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ABSTRACT

This document is a collection of reprints of several reports presented to the Surgeon General of the United States by the Inspector General of the Department of Health and Human Services. The reports contain much information that is useful to educators and others who develop or implement school-based alcohol and other drug prevention programs. They outline the magnitude of the problem of underage alcohol use, discuss laws governing alcohol use by students, and provide insight into youths' attitudes about alcohol. Included are these reports: (1) "Dangerous and Deadly Consequences" from the report "Youth and Alcohol: Dangerous and Deadly Consequences" (April 1992); (2) "Drinking Habits, Access, Attitudes, and Knowledge: A National Survey" from the report "Youth and Alcohol: A National Survey" (June 1991); (3) "Drinking and Crime" from the report "Youth and Alcohol: Drinking and Crime" (April 1992); (4) "Laws and Enforcement" from the report "Youth and Alcohol: Laws and Enforcement: Is the 21-Year-Old Drinking Age a Myth?" (September 1991); and (5) "Compendium of State Laws" from the report "Youth and Alcohol: Laws and Enforcement: Compendium of State Laws" (1991). (NB)

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YOUTH & ALCOHOL

Selected Reports to the Surgeon General

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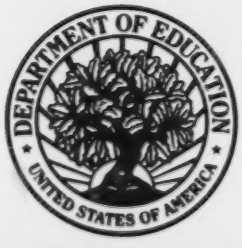
YOUTH & ALCOHOL

Selected Reports to the Surgeon General



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Foreword

Underage use of alcohol is among the most serious and intractable challenges to the nation's education goal that by the year 2000 all schools will be safe, disciplined, and drug free. Although alcohol is not often used by students while they are in school, use outside of school and at school functions and events is common. More than half of all students in the 12th grade use alcohol, according to a 1991 survey of high school seniors. Binge drinking—consumption of five or more drinks on one occasion—is reported by students as early as the eighth grade. Junior and senior high school students drink an estimated 35 percent of all wine coolers sold in the United States and 1.1 billion cans of beer each year.

The health toll exacted by this unlawful behavior is clear: 4.6 million teenagers have a drinking problem; alcohol-related accidents are a leading cause of death among young people 15–24 years of age; and about half of all youthful deaths in drowning, fires, suicide, and homicide are alcohol-related. In addition, students who engage in heavy drinking are at risk for lower academic achievement. Forty-two percent of students who do not binge drink receive B+ or better grades while only 21 percent of those who binge on six or more occasions in a single year earn a B+ or better average. Binge drinkers are more apt than other students to be truant, to engage in acts of vandalism, and to be absent from school because of illness.

The reports reprinted here are among several presented to the Surgeon General of the United States by the Inspector General of the Department of Health and Human Services. These reports contain much information that is useful to educators and others who develop or implement school-based alcohol and other drug prevention programs. They outline the magnitude of the problem, discuss laws governing alcohol use by students, and provide insight into youths' attitudes about alcohol.

We appreciate the cooperation of the Office of the Surgeon General in making these reports available for distribution by the Department of Education.

Contents

Chapter 1: Dangerous and Deadly Consequences

From Report to the Surgeon General "Youth and Alcohol: Dangerous and Deadly Consequences," by the Inspector General, Department of Health and Human Services, April 1992

Chapter 2: Drinking Habits, Access, Attitudes, and Knowledge: A National Survey

From Report to the Surgeon General "Youth and Alcohol: A National Survey," by the Inspector General, Department of Health and Human Services, June 1991

Chapter 3: Drinking and Crime

From Report to the Surgeon General "Youth and Alcohol: Drinking and Crime," by the Inspector General, Department of Health and Human Services, April 1992

Chapter 4: Laws and Enforcement

From Report to the Surgeon General "Youth and Alcohol: Laws and Enforcement: Is the 21-Year-Old Drinking Age A Myth?" by the Inspector General, Department of Health and Human Services, September 1991

Appendix: Compendium of State Laws

From Report to the Surgeon General "Youth and Alcohol: Laws and Enforcement: Compendium of State Laws," by the Inspector General, Department of Health and Human Services, 1991

CHAPTER 1

Dangerous and Deadly Consequences

Purpose

The purpose of this study was to describe the dangerous and often unrecognized consequences of underage drinking.

Background

As part of her campaign against underage drinking, the Surgeon General requested that the Office of Inspector General (OIG) provide information on some of the negative consequences of youth alcohol use. This concern mirrors one of the Department of Health and Human Services Secretary's goals which is to reduce the prevalence of alcohol problems among children and youth. As part of his strategy to meet this goal, the Secretary sponsored "Healthy People/Healthy Environments: The Secretary's National Conference on Alcohol-Related Injuries" on March 23–25, 1992. This conference served as a call-to-action and a forum for health professionals to help advance the alcohol and injury-related objectives of *Healthy People 2000*. This study is one in a series conducted by the OIG related to youth and alcohol. A related report, "Youth and Alcohol: Drinking and Crime" (OEI–09–92–00260), describes the association between alcohol and youth crime.

Although extensive research exists related to the negative consequences of adult alcohol use, few national studies have attempted to assess the relationship between underage drinking and rape, sexual assault, suicide, and other harmful incidents. Researchers who attempt to link youth alcohol use with injuries and other problems face legal and scientific barriers. For example, one survey found that emergency room physicians rarely will administer blood alcohol tests unless an injury was automobile-related or the test is vital to a patient's treatment.

Most studies and data related to the negative consequences of underage drinking focus on traffic fatalities. For instance, the National Highway Traffic Safety Administration reported that 34.8 percent of drivers ages 18 to 20 and 18.9 percent of drivers ages 15 to 17 who were involved in fatal automobile crashes in 1989 had alcohol in their system. Although few national data concerning other problems exist, researchers focusing on local populations have uncovered startling data concerning alcohol use among youth who experience serious injuries or unintentional death.

Methodology

Using several University of California on-line database services, we conducted a review of medical, legal, psychological, and other social research studies and surveys related to the negative consequences of youth alcohol use. We also referred to articles and data obtained during our previous youth and alcohol studies.

Summary of Research Findings

Crime

The Department of Justice (DOJ) and other researchers at times have attempted to determine the extent to which underage drinking is associated with criminal activity. These researchers have found a strong association between alcohol use and crimes of aggression, such as murder and rape.*

- According to a DOJ survey, 31.9 percent of youth under 18 in long-term, State-operated juvenile institutions in 1987 were under the influence of alcohol at the time of the offense.
- A DOJ 11-city survey found that from 4 to 32 percent of male juvenile arrestees admitted using alcohol in the 72 hours prior to their arrest.
- A 1974 survey of youth under 21 in State adult correctional facilities found that approximately 36.4 to 38.6 percent reported drinking at the time of the offense.

One researcher reported that almost 50 percent of German juvenile offenders surveyed in 1971 were intoxicated when they committed criminal offenses. For crimes of aggression—such as murder, robbery, rape, and assault—the rates were "rather higher."

Victims of Crime

Studies of various populations have shown that many victims of violent crime are intoxicated at the time of the incident. While this problem is most frequently noted in rape victims, victims of other crimes exhibit similar high levels of intoxication.

- In a national survey of college students, almost 50 percent who said they had been victims of crime admitted that they had used drugs or alcohol before the crime occurred.
- A study of homicide victims in Atlanta, Georgia, found that 51 percent had blood alcohol levels of .10 percent or greater.
- One social science researcher observed that minors who drink may provoke assailants or otherwise catch the attention of criminals by handling money openly, acting vulnerable, or failing to take normal precautions in public.

Rape and Sexual Assault

Researchers estimate that alcohol use is implicated in one- to two-thirds of sexual assault and acquaintance or "date" rape cases among teens and college students.

- In a survey of students at a southwestern university, 55 percent of sexual assault perpetrators and 53 percent of sexual assault victims admitted to being under the influence of alcohol at the time of the assault.
- According to a school administrator, 100 percent of sexual assault cases at the University of Colorado involve alcohol.
- A study of college women nationally found that alcohol use is one of the strongest predictors of a college woman's rape.
- A survey of high school students found that 18 percent of females and 39 percent of males say it is acceptable for a boy to force sex if the girl is stoned or drunk.

Risky Sexual Behavior

Alcohol use is associated with the early onset of sexual activity and with risky sexual behavior.

* For further information, see the OIG report "Youth and Alcohol: Drinking and Crime."

- A study of ninth grade students from four urban high schools showed that the best predictor of risky sexual behavior was alcohol and/or drug use.
- Other studies of adolescents have shown that the use of substances, including alcohol and tobacco, are associated with early sexual debut and an inadequate use of contraceptives.
- A 1990 survey of Massachusetts 16- to 19-year-olds found that 49 percent were more likely to have sex if they and their partner had been drinking. In addition, 17 percent used condoms less often after drinking.
- The National Longitudinal Survey of Youth found that substance use and sexual activity are more closely linked for white youth than they are for minority youth.

Suicide

According to one researcher, "Suicide among American teenagers is increasing at an alarming though underestimated rate." Alcohol acts as a contributing factor in the timing and seriousness of youth suicide attempts. Although youth may use alcohol in an attempt to reduce stress and pressure, this frequently results in additional self-destructive behavior.

- In a detailed analysis of youth suicide, one researcher found that drug and alcohol abuse is the most common characteristic of youth who attempt suicide. Seventy percent of youth suicide attempters were frequent drug and/or alcohol users. In addition, he noted a high incidence of drug and alcohol abuse among youth suicide attempters' parents.
- Based on rising youth suicide rates, three researchers conducted a study on 10- to 19-year-old suicide victims in Allegheny County (PA). They found "a striking association . . . between the ingestion of alcohol and the use of firearms as a method of suicide." They conclude that "the epidemic increase in the suicide rate among youth may be associated with an increase in the prevalence of alcohol abuse."

Water-related Injuries and Drowning

Although swimming, boating, and diving are popular activities among youth, they can be deadly, especially when the participants consume alcohol before or during these water activities. According to national data, drowning is the second leading cause of injury-related death among adolescents and young adults. One researcher named alcohol and/or drug use as the primary factor contributing to adolescent swimming, boating, and diving drownings.

- Two studies that have attempted to link youth alcohol use and drowning found that from 40 to 50 percent of young males who drown used alcohol prior to drowning.
- According to national data, the ratio of young males who drown after boating incidents outnumbers females 12 to 1. Alcohol particularly may affect a youth's balance, resulting in the boat capsizing or the youth falling overboard.
- A detailed study of the factors contributing to youth drowning indicated that alcohol may severely affect a young swimmer's coordination and judgment. Peer pressure may cause youth to attempt to swim beyond their ability. On a dare, a youth might experience overconfidence if under the influence of alcohol. At the same time, the youth might underestimate the length of swim or the water's currents.
- Researchers have documented that 40 to 50 percent of all diving injury victims consumed alcoholic beverages. Again, alcohol may impair judgment, resulting in a youth underestimating the challenge.

Campus-related Problems

A researcher who reviewed studies on college drinking found that missing classes, missing work, and not studying were the most frequently noted alcohol-related problems. Other researchers have linked alcohol use with more serious campus problems.

- In a national survey, college administrators estimated that student alcohol use leads to 69 percent of damage to residence halls, 34 percent of academic problems, and 25 percent of dropouts.
- A Towson State (MD) University study found that alcohol was a factor in 98 percent of student conduct violation cases.

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CHAPTER 2:

Drinking Habits, Access, Attitudes, and Knowledge: A National Survey

Purpose

This inspection surveyed junior and senior high (7th through 12th grade) students to determine how they obtain, view, and consume alcohol.

Background

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) survey youth to determine their views and practices regarding alcohol use. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. The Surgeon General is particularly concerned about the drinking habits of youth, especially the nation's 20.7 million 7th through 12th graders. This report is one in a series prepared by the OIG related to youth and alcohol. It describes survey findings concerning youth perceptions, knowledge, opinions, and drinking habits.

Youth Consumption and Beliefs About Alcohol

According to the U.S. Department of Education, 20.7 million students attend 7th through 12th grade. Previous national surveys have disclosed that most adolescents have tried alcohol and that many drink frequently. Among high school seniors in the class of 1990, 89.5 percent had used alcohol at least once, and 32.2 percent had experienced a "binge" of 5 or more drinks in a row within the past 2 weeks.[1] While recent surveys of high school students indicate an overall drop in drug use, alcohol use continues at a high rate.

According to another survey, adolescents have started drinking at earlier ages since 1978.[2] Although youth begin using alcohol at earlier ages, their information regarding its contents and effects may be faulty. A recent survey of 4th, 5th, and 6th graders found that only 21 percent consider wine coolers a drug, while 50 percent believe beer, wine, and liquor are drugs.[3]

Youth Access to Alcohol

Youth obtain alcohol from a variety of social and commercial sources. Although the minimum age to buy alcohol in all States is 21, studies show that youth are frequently able to obtain alcohol with little or no problem. While youth frequently find alcohol at parties without parental supervision and at friends' homes, they also obtain alcohol from retail outlets in a variety of ways. Youth may (1) have an older friend purchase alcohol,

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[1] University of Michigan, Institute for Social Research, "Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth," January 1991.

[2] National Clearinghouse on Alcohol and Drug Issues (NCADI), "Alcohol and Youth," *NCADI Alcohol Topics Fact Sheet*, January 1987, p. 1.

[3] National Families in Action, "Wine Coolers Becoming Gateway Drug," *Drug Abuse Update*, no. 28, March 1989, p. 12.

(2) buy from stores that are known to sell to minors, and/or (3) solicit a stranger to purchase alcohol.[4] In some areas, youth may simply purchase alcohol without being challenged by the vendor. According to a recent study, underage males were able to buy beer in 97 of 100 District of Columbia stores.[5]

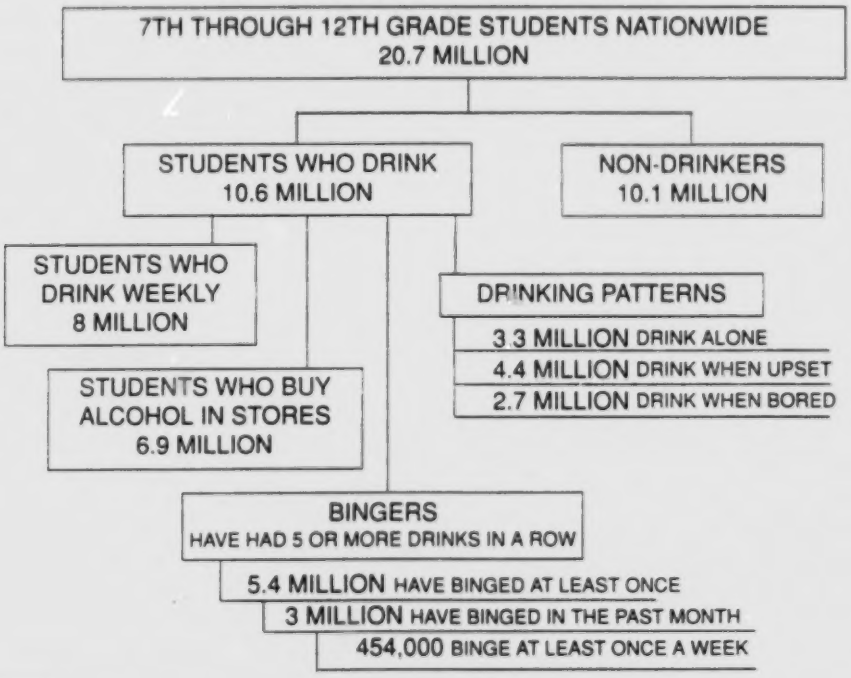
Methodology

To establish the universe of 7th through 12th grade students, we compiled data on all secondary (junior and senior high schools), kindergarten through 8th grade (K–8), and kindergarten through 12th grade (K–12) schools in the United States. We weighted the States based upon the total number of schools. The eight randomly selected States were: California, Colorado, Florida, Illinois, Louisiana, New York, Ohio, and Pennsylvania. We obtained data on all target schools in the eight States from the U.S. Department of Education. After weighting each county in each State by the number of students, we randomly selected two counties in each State. We randomly selected two schools from each county list, without weighting, for a total sample of 32 schools.

During March and April 1991, we conducted structured interviews with a random national sample of 956 students in the 7th through 12th grades. We asked all students about their opinions and knowledge of alcohol. We asked about the personal experiences of students who had drunk at least one full alcoholic beverage in the past year. Throughout this report, we refer to these students as "students who drink." Of the students who never drank alcohol or had not had a drink during the past year, we asked about their perceptions and observations of their classmates who drink. We refer to these students as "non-drinkers." Appendix A contains a full description of the sample selection and methodology.

Findings

STATISTICAL HIGHLIGHTS: WHO DRINKS?


7TH THROUGH 12TH GRADE STUDENTS NATIONWIDE
20.7 MILLION
STUDENTS WHO DRINK
10.6 MILLION
NON-DRINKERS
10.1 MILLION
STUDENTS WHO DRINK WEEKLY
8 MILLION
DRINKING PATTERNS
3.3 MILLION DRINK ALONE
4.4 MILLION DRINK WHEN UPSET
2.7 MILLION DRINK WHEN BORED
STUDENTS WHO BUY ALCOHOL IN STORES
6.9 MILLION
BINGERS
HAVE HAD 5 OR MORE DRINKS IN A ROW
5.4 MILLION HAVE BINGED AT LEAST ONCE
3 MILLION HAVE BINGED IN THE PAST MONTH
454,000 BINGE AT LEAST ONCE A WEEK

[4] Friedner D. Wittman, Ph.D., J.W. Grube, and P. Shane, "Survey of Alcohol and Other Drug Experiences Among Castro Valley High School Students in 1987 and 1990," September 1, 1990, p. 2.

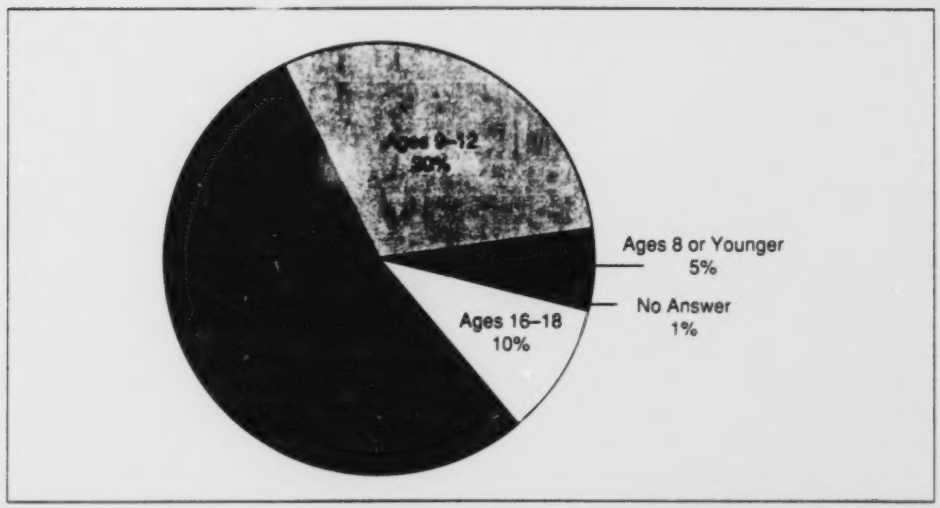
[5] Christine Russell, "It's Easy for Underage Men to Buy Beer in the District," *Washington Post Health*, March 19, 1991, p. 5.

Fifty-One Percent of Junior and Senior High School Students Have Had at Least One Drink Within the Past Year

According to our survey, 68 percent of all students have drunk alcohol at least once, and 51.2 percent (10.6 million) have had at least one drink within the past year. The average student who drinks is 16 years old and in the 10th grade. Of the students who drink, 53.8 percent are male, and 46.2 percent are female. See appendix B for gender and school grade breakdowns.

We found that students were 13 years old when they took their first drink. This is close to other national surveys that report 12.3 years as an average age.[6]

THE MAJORITY OF STUDENTS HAVE THEIR FIRST DRINK IN THEIR EARLY TEENS



We found that 8 million, or 38.6 percent of all students, drink weekly. Three million students reported that they do not usually drink each week.

Junior and Senior High School Students Drink 35 Percent of all Wine Coolers Sold in the United States and 1.1 Billion Cans of Beer Each Year

We asked students about four types of alcoholic beverages—beer (including all malt beverages), wine coolers, wine, and liquor (including mixed drinks that contain alcohol such as rum or vodka). Some students drink more than one type of alcoholic beverage. We project that:

- 9.2 million students have drunk beer. Of this group, 6 million drink between 0.12 and 33 beers weekly. In some schools, students mentioned that they drink 40-ounce bottles of malt liquor instead of 12-ounce cans or bottles of beer.
- 8.9 million students have drunk wine coolers. Of this group, 4 million drink between 0.16 and 12 wine coolers weekly.
- 6.2 million students have drunk wine. Of this group, 1.4 million drink between 0.25 and 24 glasses of wine weekly.
- 7.2 million students have drunk liquor. Of this group, 3.6 million drink between 0.25 and 24 drinks weekly.

[6] U.S. Department of Health and Human Services, PHS-ADAMHA-OSAP, "Alcohol Use Among Children and Adolescents," *Statistical Bulletin*, October—December 1987, p. 2.

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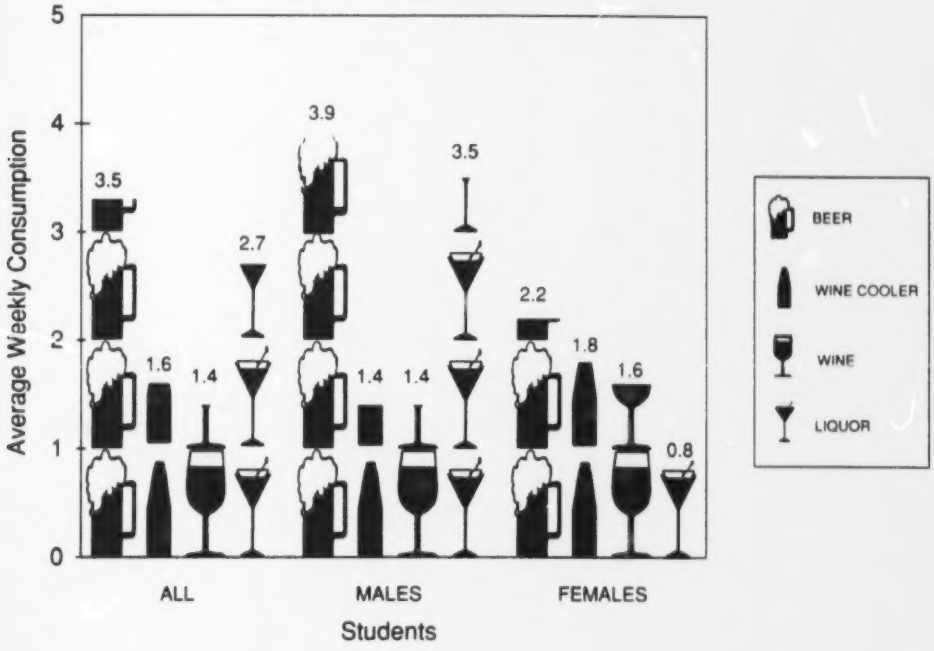
The average weekly consumption for each alcoholic beverage type is shown below.

WHILE WINE COOLERS ARE THE "DRINK OF CHOICE," STUDENTS DRINK MORE BEER



Wine Coolers are the students' "drink of choice."

When asked about their favorite alcoholic drink, 42.1 percent of students who drink chose wine coolers. This translates to 4.5 million students who drink nationally. In addition, 51 percent of all students say that wine coolers are the favorite drink among their friends and classmates. Students choose wine coolers because they taste good, are fruity, do not have a strong taste of alcohol, and they think wine coolers do not contain much alcohol.

Junior and senior high school students drink 35 percent of all wine coolers sold in the United States.

According to estimated sales figures[7], 88.8 million gallons of wine coolers were sold in the United States in 1989. Based on an average consumption of 6.4 million bottles weekly (12-ounce size), we estimate that students drink 31.2 million gallons of wine coolers annually. By projecting the total volume of wine coolers students reported drinking, we estimate that students drink 35 percent of the wine coolers sold in this country.

Junior and senior high school students drink 1.1 billion beers each year.

Students drink less than 2 percent of the 62 billion bottles and cans[8] of beer consumed annually in the United States. While this percentage appears small, it is staggering when one considers that minors illegally consume more than a billion beers each year. Students who chose beer as their favorite alcoholic beverage said it tastes good, is easy to get, is cheap, and does not get you drunk as fast as other alcoholic beverages. Several students said that beer is always around or available at parties.

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[7] The Wine Institute, Table of Commercially Produced Wine Entering Distribution Channels in the United States, by Areas Where Produced, 1985-1989.

[8] 1989 data, State reports compiled by Beer Institute and U.S. Department of Commerce, Bureau of Census.

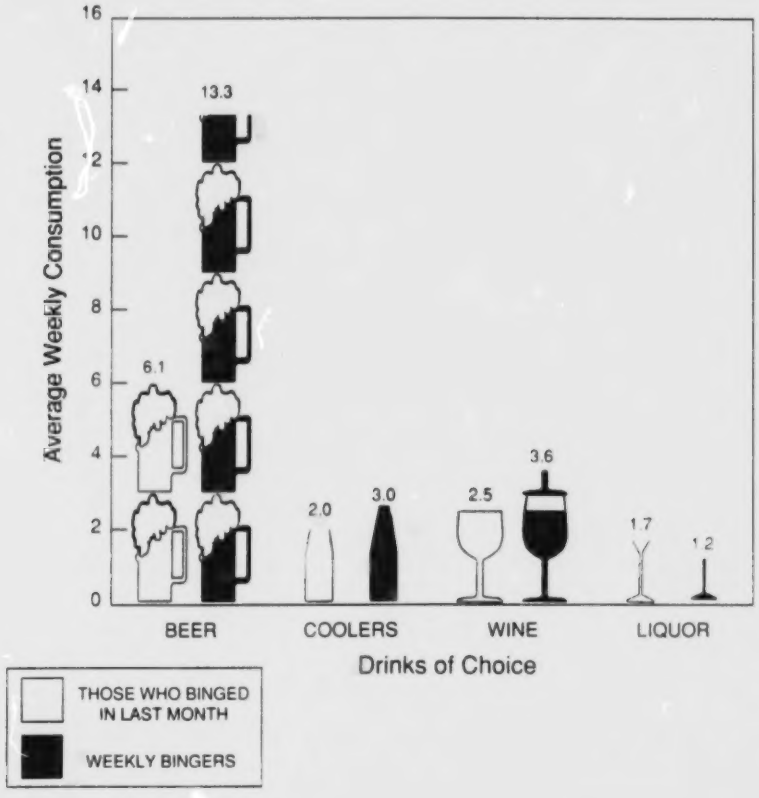
More Than 5 Million Students Have Binged; 3 Million Within the Last Month; 454,000 Binge at Least Once a Week.

Researchers define a "binge" as drinking five or more drinks in a row. Our projections show that 5.4 million students have "binged" at least once. Almost 55 percent of these had binged at least once in the month before the survey. For this group, the number of binges ranged from 1 to 20 per month.

The demographics for students who binge mirror the demographics for all students who drink. Fifty-nine percent are male; 41 percent female. The average binger is a 16-year-old male in the 10th grade. He was 12 years old when he took his first drink, slightly less than the average 13 years for all students who drink. He consumes six drinks each week.

There is a smaller group of students who binge almost every week—454,000 students average 15 drinks weekly. Their average age is 16.6 years, and they are in the 11th grade. Eighty-seven percent are males, and 13 percent are females.

BINGERS DRINK MORE BEER THAN OTHER ALCOHOLIC BEVERAGES

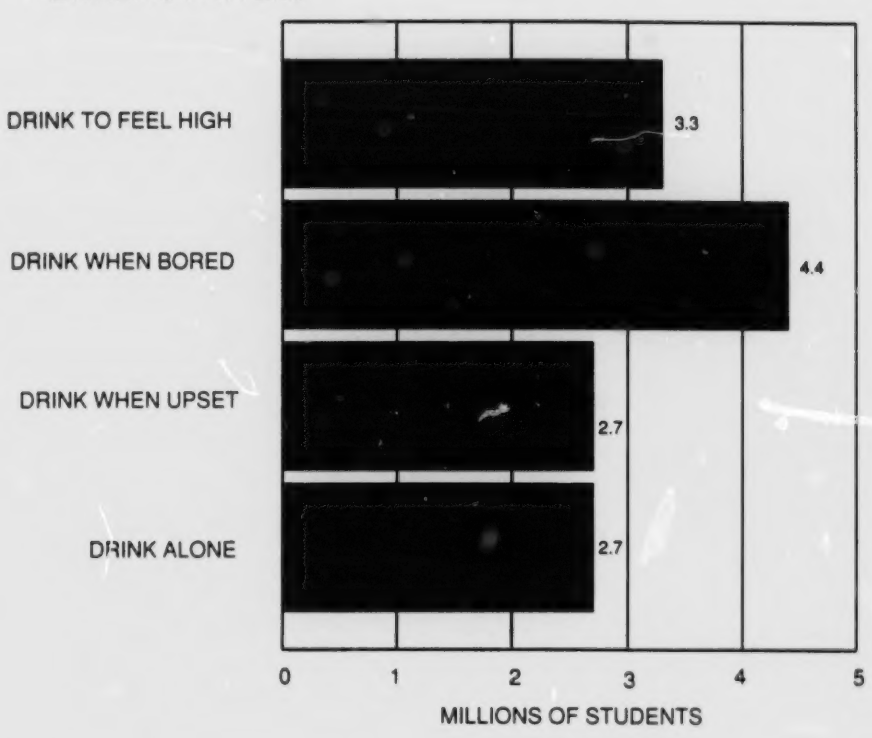


More Than 3 Million Students Drink Alone, More Than 4 Million Drink When They Are Upset, and Less Than 3 Million Drink Because They Are Bored

Scientific research has shown that alcohol is a fast-acting drug. The early phases of drug action tend to have a positive effect on mood and general arousal level. Many students use alcohol as a tool to help them cope with certain feelings and situations. Of the 10.6 million students who drink, (1) 31 percent drink alone, (2) 41 percent drink when

they are upset because it makes them feel better, (3) 25 percent drink because they are bored, and (4) 25 percent drink to feel high.

STUDENT DRINKING PATTERNS ARE REASON FOR CONCERN



We compared these responses to a smaller group of students who binge. We found that students who binge are more likely to drink alcohol to relax, change their mood, or cope with emotional distress. Of the 5.4 million students who binge, (1) 39 percent drink alone, (2) 58 percent drink when they are upset, (3) 30 percent drink when they are bored, and (4) 37 percent drink to feel high.

Students Lack Essential Knowledge About Alcohol and its Effects

Nationwide, 5.6 million students are unsure of the legal age to purchase alcohol.

The minimum age to purchase alcohol in all States is 21. Nevertheless, a projected 1.6 million students do not even know such a law exists. Many students know about the law, but do not know the minimum age is 21. Their guesses ranged from 14 to 24 years.

In Louisiana, only 46 percent of the students we interviewed knew the correct minimum age. The confusion among these students may be attributed to the State law which prohibits persons under 21 from purchasing, possessing, or consuming alcohol, yet does not prohibit restaurants and bars from selling alcohol to persons over 18. Therefore, someone between 18 and 21 who drinks in a restaurant has committed a violation, but the restaurant or bartender has not. A State Alcohol Beverage Commission official said they are "not prosecuting the underage drinker because the law is superficial. When servers realize this, they are not hesitant to sell to those under 21."[9]

[9] May 1, 1991 telephone conversation with a State Alcohol Beverage Commission official.

A third of all students do not understand the intoxicating effects of alcohol.

We asked students about alcohol's intoxicating effects and whether different stimulants will counteract these effects. More than 2.6 million students do not know a person can die from an overdose of alcohol. More than one-third of students believe that drinking coffee, getting some fresh air, or taking a cold shower will "sober you up."

In addition, a projected 259,000 students think that wine coolers or beer cannot get you drunk, cannot make you sick, or cannot do as much harm as other beverages. Students like wine coolers because they are "like soda—I don't consider them alcohol," and "they . . . don't get you drunk."

Students do not know the relative strengths of different alcoholic beverages.

Almost 80 percent of the students do not know that one shot of whiskey has the same amount of alcohol as a 12-ounce can of beer. Similarly, 55 percent do not know that a 5-ounce glass of wine and a 12-ounce can of beer have the same amount of alcohol. One out of three students do not know that all wine coolers contain alcohol.

The chart on the next page details student responses to our questions.

STUDENT KNOWLEDGE VARIES GREATLY

ACTUAL QUESTION	CORRECT ANSWER	PERCENT CORRECT
Mothers who drink alcohol during pregnancy have A higher risk of having babies with birth defects.	True	98
Alcohol slows the activity of the brain.	True	96
A teenager cannot become an alcoholic.	False	96
Alcohol improves coordination and reflexes.	False	93
A person can die from an overdose of alcohol.	True	87
Many wine coolers actually contain no alcohol.	False	68
Drinking coffee, getting some fresh air, or taking a cold shower can help a person "sober up" more quickly.	False	54
One can of beer (12 ounces) has more alcohol than a glass of wine (5 ounces).	False	45
One shot of whiskey (1½ ounces) has twice as much alcohol as a can of beer (12 ounces).	False	21

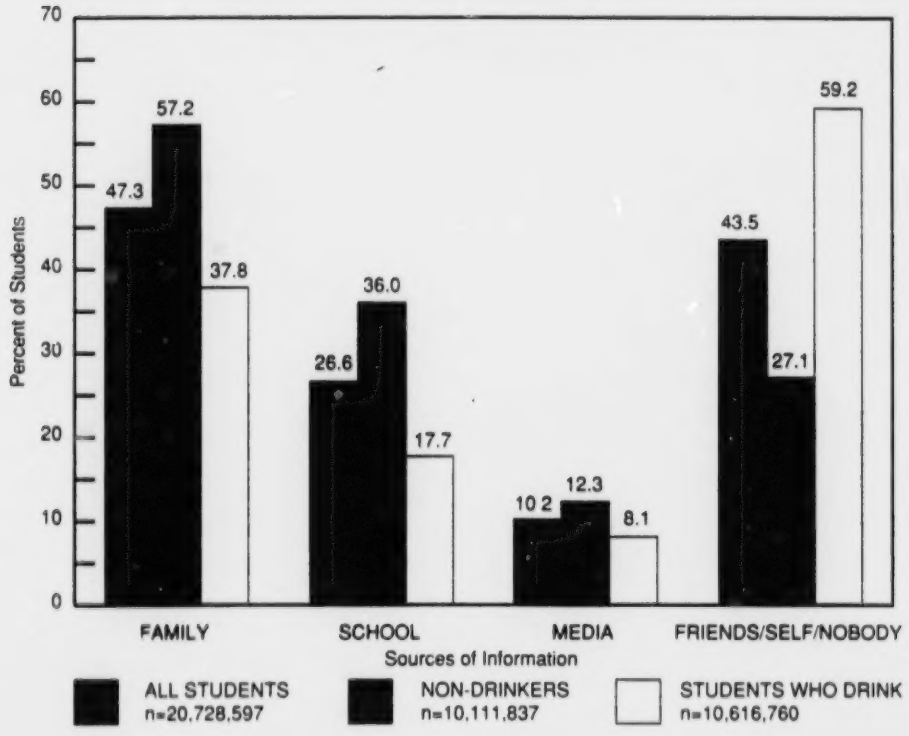
Nine Million Students Get Their Information About Alcohol From Unreliable Sources

More than 4 million students learn about alcohol from their friends, whose information may or may not be accurate. Similarly, more than 5 million students say that they "just picked up" what they know by themselves or that nobody taught them. A greater

proportion of students who drink than non-drinkers learn about alcohol through unreliable sources. When asked who taught him about alcohol, one student explained, "Nobody. A lot of teenagers who drink it don't know what it is."

Students also learn about alcohol from their parents, school, and the media. The chart on the next page illustrates students' information sources.

STUDENTS ALSO LEARN ABOUT ALCOHOL FROM FAMILY, SCHOOL, AND THE MEDIA



As shown in the graph, non-drinkers are much more likely to learn about alcohol from their family and school than are students who drink. Non-drinkers are also slightly more likely to cite the media as a source of their knowledge.

More than a quarter of all students cited school, a class, teachers, or a specific school program as teaching them about alcohol. For example, a few students mentioned the Drug Abuse Resistance Education (D.A.R.E.) program. A coordinated effort between local police and schools, D.A.R.E. sends uniformed police officers into the schools to teach 5th- and 6th-grade students about alcohol and other drugs.

Seven Million Students Are Able to Walk Into a Store and Buy Alcohol

Students can buy alcohol in stores.

Almost two-thirds or 6.9 million of the students who drink buy their own beverages. Despite the minimum age laws, students as young as 12 or 13 said they can buy alcoholic beverages in a store. As students get older, a larger proportion buy alcohol directly. Students said, "Sometimes they [vendors] do not even ask your age," and "I could go out

right now and buy some." Students may (1) use fake identification, (2) buy from stores known to sell to young people or stores with young clerks, or (3) just go in and buy alcohol. Forty-five percent of all students know someone who has used a fake identification to buy alcohol. A small group, 4.5 percent, admit they steal alcohol from stores. Unable to purchase alcohol from stores, students in Philadelphia, Pennsylvania use a black market source. Students mentioned that houses, called "speakeasies," sell alcohol to underage students, and they offer some alcoholic beverages, like Cisco, which are not available elsewhere in the State.

Friends, parties, and stores are the main sources for alcohol.

Students who drink usually obtain alcohol from their friends. Their grade in school influences where and how they get alcohol. While 88 percent of 12th graders get alcohol through friends, only 49 percent of 7th graders do. The younger students obtain alcohol from their parents with or without their parents' knowledge. Almost three-fourths of the 7th graders obtain alcohol from their parents, while only a quarter of the 12th graders do.

Almost 65 percent of all students—students who drink and non-drinkers alike—have been to parties where alcohol is served. The number of students attending parties increases with each grade level. More than 79 percent of high school students (9th through 12th grade) have been to parties with alcohol. When asked where they obtain alcohol, 88 percent of the students who drink mentioned parties.

Students Accept Rides From Friends Who Have Been Drinking

In 1989, almost 2,800 students between 15 to 19 years old died in alcohol-related traffic accidents. Forty-five percent of the traffic accidents among this age group are alcohol related, yet students say it is not okay to drink and drive.[10]

Even though 92 percent of all students in our survey said a person should never drink and drive, almost a third have accepted a ride from a driver who had been drinking. This translates to 6.8 million students who are placing their lives in danger. Almost half of the students who drink have been a passenger in a car that a friend drove after drinking.

Parents, Friends, and Alcoholic Beverage Advertisements Influence Students' Attitudes About Alcohol

Parents influence students' attitudes about alcohol.

Almost two-thirds of all students say their parents do not approve of underage drinking or would punish them if they drank. Some extreme examples of punishment that students gave are, "I would have a grave," "I would be grounded until I was 42," and "They would beat my behind!"

Many parents are more lenient. Thirty-five percent of the students who drink say their parents tolerate their drinking under certain conditions. These conditions typically limit the amount, frequency, or location of the student's drinking. Examples include, "They tell me not to go overboard and not to get drunk" and "I can have it with my parents." Almost 15 percent of the students who drink reported that their parents trust them or do not say or do anything about their drinking.

Friends influence students by providing both alcohol and occasions to drink.

Nationwide, 10.1 million students drink with their friends. The main reasons students gave for drinking involve their friends:

[10] U.S. Department of Transportation, National Highway Traffic Safety Administration, *Fatal Accident Reporting System: 1989 Annual Report*, Pub. No. DOTHS807693, March 1991.

- Almost 8.7 million students drink to have fun.
- Less than 5.5 million students, or half of those who drink, do so because their friends drink.
- More than 6 million drink to be social.

At one of the surveyed schools, the March cover story from the student newspaper discussed student views on drinking beer. The article listed reasons why beer is so popular, including "it makes even the most shy people witty and clever at parties."[11] Some students expressed concerns that the most popular weekend activity is drinking. One student was disappointed that "several of my friends can't be social unless they are drunk (or so they say)."[12]

Advertisements for alcoholic beverages influence students' perceptions about alcohol.

Thirty-nine percent of all students named something they like about advertisements for alcoholic beverages. Their likes vary widely. The most common responses were that the advertisements spotlight attractive people and make drinking look like fun. We asked students if anything appealed to them about the advertisements. Student responses included:

- "They are very convincing. They make it look very glamorous."
- "The way they make life look like fun."
- "They look exciting and fun. The message is: It is all right to drink, not that it is bad."
- "Some of them are funny, and some have sexy women."
- "They make you look like you're cool and accepted."
- "Girls in the ads are skinny, and I want to be like that."
- "The slogan 'The Right Beer Now' makes you think 'Is now a good time to drink?'"

Virtually all students have seen advertisements for alcoholic beverages. To find out if students were able to associate a spokesperson, star, or symbol with a particular brand of beer, we asked the students if Spuds MacKenzie is the mascot for Coors Light beer. More than half knew that "Spuds" was not Coors' mascot. Because the majority knew enough to correctly link the symbol and the product, advertisements may be a stronger influence on students than they realize.

[11] D. Roberts, "True Love, or Just an Alcoholic?" *Complex Review*, March 1991, p. 6.
[12] B. Linas, "Social Drinking?" *Complex Review*, March 1991, p. 7.

Appendix A

Methodology

Four-Stage Sampling Methodology

At the first stage, a cluster of eight States out of the nation was selected at random, without replacement, with probability proportionate to size. That is, for this level, size, defined as the number of schools in each State, was used as the weighting factor for the selection of the eight States. The universe was limited to secondary (junior high or senior high), Kindergarten through 8th grade, and Kindergarten through 12th grade schools.

The second stage involved selecting a cluster of counties within each of the eight States. Two counties were selected from each sampled State for a total of 16 counties. These counties were also selected with probability proportionate to size. However, the size for this stage was determined by the number of students in the county in grades seven through twelve.

Once counties were selected, a simple random sample of schools within the county was chosen. Two schools per county were sampled for a total of 32 schools.

The final stage of sampling was the selection of students in the schools. A sample of 30 students per school was desired. However, 42 were initially selected to allow for absentees and refusals. The schools were instructed to alphabetize a list of all students in grades 7 through 12. Then the total number of students on the list was divided by 42 and rounded to the nearest whole number (n). Students were then selected by counting every nth one on the list until the entire list was exhausted. In many cases, more than the required 30 students were available to participate. The schools were instructed to randomly subsample to obtain a final sample of 30. This final sample size was achieved in all but a few schools. However, in no school were less than 27 students interviewed. The total sample for this inspection was 956 students.

Weighting Procedure

Since the sample was selected with four different stages and a different set of probabilities at each stage, weighting of the respondents was standardized through a five-step process based on sample size and the universe. Although the first two stages of selection employed probability proportionate to size, the measure of size differed between the two stages. In the first stage the measure of size was number of schools while the measure of size for the second stage was number of students. The third and fourth stages involved taking simple random samples of schools and then students. To provide a uniform unit of selection so that accurate weights could be determined, the number of students, known at each of the four stages, was used for purposes of weighting the sample.

Overall, there were 32 distinct weights used to project to the universe—1 for each school. These weights were applied to every student in the school and were computed as follows:

(1) In weighting from the students to the school, the population in the school was divided by the sample in the school. There were 32 different weighting factors for this phase.

(2) The second weighting factor was determined by dividing the number of students in the county by the sum of students in the two schools that were chosen. There were 16 different weighting factors used in projecting to the county level.

(3) In the third stage, the weight was computed by dividing the number of students in the State by the sum of students in the two counties that were chosen. There were eight weighting factors (one for each State) at this stage.
(4) For the final stage, the weight was calculated by taking the number of students in the universe and dividing by the number of students in all eight States combined, for one weighting factor to project to the universe.
(5) The weight at each of these 4 stages was multiplied together to obtain the 32 unique weighting factors.

Adjustments to Weights

It was determined, subsequent to data collection, that the 956 students interviewed were disproportionately distributed when compared to the estimated national population. Using data provided by the Department of Education, we determined that the data needed to be reweighted to appropriately reflect this national population. The table on the next page shows the distribution of the national population and sample with respect to race and grade, including the adjusted weights.

DISTRIBUTION OF POPULATION AND SAMPLE WITH RESPECT TO GRADE

GRADE	UNWEIGHTED SAMPLE	ADJUSTED WEIGHTED SAMPLE	POPULATION
7	21.40%	12.90%	13.03%
8	27.10%	12.10%	12.04%
9	14.70%	23.20%	23.32%
10	12.70%	21.40%	20.96%
11	12.40%	17.10%	17.20%
12	11.50%	13.40%	13.42%

DISTRIBUTION OF POPULATION AND SAMPLE WITH RESPECT TO RACE

RACE	UNWEIGHTED SAMPLE	ADJUSTED WEIGHTED SAMPLE	POPULATION
WHITE	58.20%	70.20%	69.35%
BLACK	29.30%	15.40%	15.36%
HISPANIC	8.40%	10.50%	10.20%
INDIAN	0.20%	0.40%	1.04%
ASIAN	3.40%	3.40%	3.43%
OTHER	0.70%	—	—

As can be seen from the above two tables, there is a difference between the unweighted sample and population distributions with respect to both race and grade. Using a cross tabulation of race and grade, compiled for the population and the sample, the adjusted weights were constructed. These adjustments were made based on the proportions found in the sample compared with the population. For example, since whites were under sampled and blacks were over sampled, the responses were weighted more heavily for whites and less for blacks. This adjustment brought the sample in line with the national population.

The differences between the adjusted proportions and the unweighted proportions in the sample are mainly due to the following:

(1) In general, the sample selected proportionately more 7th and 8th graders than are found in the population and,

(2) The sample selected proportionately more non white students than are present in the national population.

Discussion Guides

We asked all students one or two screening questions:

(1) EXCLUDING CHILDHOOD SIPS THAT YOU MIGHT HAVE HAD FROM AN OLDER PERSON'S DRINK, HAVE YOU EVER HAD A GLASS OF BEER OR WINE, A WINE COOLER, OR A DRINK OF LIQUOR?

(2) HAVE YOU HAD AT LEAST ONE DRINK IN THE PAST YEAR?

Students who answered "Yes" to both screening questions were asked questions about their personal experiences, knowledge, and attitudes about alcohol. Students who answered "No" to either of the screening questions were asked about their perceptions and observations concerning classmates who drink.

Appendix B

Projected Universe by Grade and Gender

Our sample is representative of the 20.7 million 7th through 12th grade students in the United States. The data in this chart reflect a national projection of the students we interviewed.

GRADE	MALE		FEMALE		TOTAL	
	PERCENT	POPULATION	PERCENT	POPULATION	PERCENT	POPULATION
7TH	6.0	1,248,926	7.0	1,445,489	13.0	2,694,415
8TH	6.4	1,335,556	5.8	1,203,873	12.3	2,539,429
9TH	10.3	2,139,895	12.7	2,640,591	23.1	4,780,486
10TH	10.1	2,102,594	11.1	2,305,280	21.3	4,407,874
11TH	9.9	2,053,192	7.1	1,475,387	17.0	3,528,579
12TH	7.1	1,479,801	6.2	1,289,655	13.4	2,769,456
NOT STATED	0.0	8,358	0.0	0	0.0	8,358
TOTAL	50.0	10,368,322	50.0	10,360,275	100.0	20,728,597

Appendix C

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CHAPTER 3:

Drinking and Crime

Purpose

The purpose of this study was to determine how many youth were under the influence of alcohol when they committed crimes.

Background

In response to public health concerns and the adverse consequences of alcohol abuse, the Surgeon General requested that the Office of Inspector General (OIG) provide information on the number or percentage of youth who were under the influence of alcohol when they committed a crime. This concern mirrors one of the Department of Health and Human Services (HHS) Secretary's goals which is to reduce the prevalence of alcohol problems among children and youth. This study is one in a series conducted by the OIG related to youth and alcohol. A related report, "Youth and Alcohol: Dangerous and Deadly Consequences" (OEI-09-92-00261), describes alcohol's role in youth problems such as rape, risky sexual behavior, suicide, and drowning.

We conducted interviews with 51 Federal, State, and local agencies to determine whether they collect data about minors' sobriety at the time of crime or arrest. In addition, we conducted an extensive literature search and 13 interviews with researchers to determine whether they had been able to measure alcohol's role in youth crime.

Appendix A contains a list of the agencies and researchers we contacted. Appendix B contains a bibliography of youth and crime research and articles.

Findings

Data Collection Obstacles are Difficult to Overcome

Data Collection Problems

Numerous Federal, State, and local agencies administer juvenile justice. Depending on the circumstances, an arrested youth may be involved with one or many different State and local agencies. State agencies may include the State alcoholic beverage control agency, social service agencies, Attorney General's office, courts, corrections department, State police, youth authority, and health services department. Local agencies may include the city police, county sheriff, social service agencies, health department, youth guidance center, juvenile courts, probation department, and public school system. Although rare, the Federal government also may become involved in the adjudication of certain juvenile offenses.

Juvenile justice agencies have varying procedures to handle youth offenders. Most agencies do not maintain statistics related to arrested minors' use of alcohol. Although officials from several agencies mentioned that they had some data, their data proved to be inaccessible or inherently biased. Although some officials stated that we might be able to compile and review individual case files, not all communities allow researchers access to case files. In addition, files would reveal alcohol's involvement only if police or attorneys specifically included it. One official acknowledged that not all arresting officers fol-

low the procedure for reporting alcohol use. Therefore, statistics probably would be biased. In summary, our attempt to collect statistics was unsuccessful.

Methodological Problems

We examined the feasibility of collecting data ourselves. We could interview youth who have been arrested or analyze police arrest records to determine the percentage of minors who were under the influence of alcohol when they committed a crime. Both methods presented barriers that would prohibit us from obtaining useful, reliable data.

- **Interviewing youth who have been arrested**

  Interviewing youth offenders about whether they were under the influence of alcohol when they committed a crime is one method to establish the link between alcohol use and crime. Researchers who have used this method have noted, however, that most offenders are never caught. In addition, researchers have not been able to determine whether arrested youth represent an accurate cross-section of youth criminal offenders.

  The focus on arrested youth poses other methodological problems. Establishing the universe of youth offenders who have been caught is almost impossible. These youth experience many different outcomes. They may be:

  - released without charges,
  - cited and released,
  - granted probation,
  - given alternative treatment, such as community service or admission to an alcohol education or treatment program,
  - committed to local juvenile detention facilities,
  - placed under the jurisdiction of State youth authorities,
  - required to serve time in State-operated youth facilities, or
  - tried in adult courts and placed in adult correctional institutions.

  State and local authorities do not automate their records sufficiently for researchers to select samples of all arrested youth. Youth who have been released, cited, or given alternative treatment may be impossible to track. The only youth available for interviews are those who are being detained or incarcerated. Surveying these youth may yield highly biased data, according to some critics. Youth who are in detention tend to be the most serious offenders, with a history of social and/or psychological problems. Researchers stress that it is not uncommon for youth with these problems to abuse alcohol. In addition, one researcher expressed serious doubts about seriously troubled minors' willingness to disclose alcohol or drug use after being incarcerated.

- **Analyzing police arrest records**

  Analyzing arrest records is another method to determine the youth alcohol and crime rate. This requires, however, that police make an arrest at the scene of the crime. One researcher estimates a minute percentage of all criminals are caught at the scene of the crime. Some may be arrested after a lengthy investigation, but authorities are unable to determine whether the offender had used alcohol before committing the crime.

  An arresting officer may be the only person who can ascertain whether a youth offender has been drinking. The human body breaks down and eliminates alcohol faster than many other drugs. A drug test administered several hours after an arrest is not an accurate measure of a youth's condition at the time of the crime.

Although we found several police departments that record offenders' sobriety, their records are not automated sufficiently for analytical purposes. Authorities use the sobriety record to adjudicate individual cases, not for research purposes. In addition, juvenile courts often seal juvenile records, rendering them inaccessible to researchers.

National Youth Survey Limitations

Annual youth surveys, such as the Center for Disease Control's Youth Risk Behavior studies or the National Institute on Drug Abuse's National Household Survey on Drug Abuse, do not include questions about alcohol's role in criminal activity. If they did, they might be hindered by a lack of reliable self-reporting. A minor might be hesitant to admit or not even know that he had committed a crime.

Department of Justice Researchers Have Limited Information and Data

The Department of Justice's (DOJ) Bureau of Justice Statistics and Office of Juvenile Justice Prevention have attempted to determine the extent to which youth alcohol use is associated with criminal activity. The DOJ's most recent and comprehensive study related to this subject is its "Survey of Youth in Custody, 1987."

According to the survey report, 31.9 percent of youth under 18 in long-term, State-operated juvenile institutions in 1987 were under the influence of alcohol at the time of the offense. In addition, 55.4 percent admitted that they drank one or more times per week in the year before their incarceration. Youth in these facilities represent only a small percentage of all handled by the juvenile justice system, however. They are generally the most serious offenders, with a history of criminal activity.[1] The DOJ analyzed alcohol use rates for different crimes.

[1] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Survey of Youth in Custody, 1987," *Bureau of Justice Statistics Special Report*, September 1988, p. 6.

*PERCENT OF OFFENDERS UNDER AGE 18 IN LONG-TERM STATE-OPERATED JUVENILE FACILITIES WHO COMMITTED CURRENT OFFENSE UNDER THE INFLUENCE OF ALCOHOL (1987)**

	Total Number (Weighted)	Number Under the Influence of Alcohol During the Crime**	Percentage
All Offenses* **	**18,226**	**5,814**	**31.9%**
Violent Offenses	**7,081**	**2,294**	**32.4%**
Murder	326	89	27.3
Rape	431	132	30.7
Other Sexual Assault	634	110	17.4
Robbery	2,372	887	37.4
Assault	2,926	986	33.7
Other Violent Offenses	392	90	23.0
Property Offenses	**8,221**	**2,696**	**32.8%**
Burglary	4,303	1,463	34.0
Larceny/Theft	1,303	410	31.5
Motor Vehicle Theft	1,402	437	31.2
Arson	319	66	20.6
Other Property Offenses	894	320	35.8
Drug Offenses	**1,020**	**254**	**24.9%**
Possession	521	122	23.4
Trafficking	464	108	23.2
Other Drug Offenses (Including alcohol-related offenses)	35	24	68.6
Public-Order Offenses	**1,296**	**267**	**20.6%**
Juvenile Status Offenses	**380**	**130**	**34.1%**

* Includes those who were under the influence of alcohol only or alcohol and other drugs.

** This column represents our estimate because the DOJ supplied only the total weighted number and the percentage under the influence of alcohol at the time of the crime. The DOJ states that because of missing data, some percentages may be slightly off.

*** Totals are slightly higher than the sum of the subcategories because of missing data.

According to another DOJ 11-city survey, from 4 to 32 percent of male juvenile arrestees admitted using alcohol in the 72 hours prior to their arrest. The DOJ's Drug Use Forecasting (DUF) program interviews minors about their alcohol use. This is not useful for determining the extent to which alcohol use influences crime, however. The DUF interviewers do not ask minors specifically if they were under the influence of alcohol at the time of the crime.[2]

[2] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, "Drugs & Crime: 1990 Annual Report," *Drug Use Forecasting*, August 1991, p. 16.

MALE JUVENILES' SELF-REPORTED ALCOHOL USE BEFORE COMMITTING A CRIME RANGES FROM 4 TO 32 PERCENT*

City	Percent Who Used Alcohol in the 72 Hours before Committing a Crime
Birmingham	15
Cleveland	8
Indianapolis	15
Kansas City	12
Los Angeles	27
Portland	16
St. Louis	9
San Antonio	26
San Diego	26
San Jose	32
Washington, D.C.	4

* Source: DOJ, Office of Justice Programs, National Institute of Justice, "Drugs & Crime: 1990 Annual Report," *Drug Use Forecasting*, August 1991.

The DUF program relies on interviews only to gather information about alcohol use. Although DUF interviewers obtain urine samples from most minors who are arrested, they do not analyze for alcohol. The DUF admits that in certain cities—such as Washington D.C. where only 4 percent of minors interviewed admitted using alcohol in the previous 72 hours—minors clearly underreported their alcohol use. Two local enforcement officials were highly critical of the DUF program because it neglects to collect adequate information about youth alcohol use. "Including alcohol in the DUF network's drug scan would not be difficult at all," one official stated. The other added, "We have found that the urine testing that we do detects substantially more than any of the self-report studies, even the confidential ones. Adding alcohol is no big deal as far as cost goes. Urine samples cost 21 cents."

A 1974 survey of youth under 21 in State adult correctional facilities found that approximately 36.4 to 38.6 percent reported drinking at the time of the offense. Although this study is dated, it sheds light on the alcohol problems of minors who commit the most serious crimes. Minors incarcerated for crimes against persons (murder, assault, rape, robbery) were slightly more likely to be under the influence of alcohol than those who committed crimes against property (arson, grand theft, burglary).[3] Youth in adult correction facilities represent a very small proportion of all juvenile offenders.

Other Researchers Have Linked Alcohol and Crime Statistically

Other studies and articles report that:

- Almost 50 percent of German juvenile offenders surveyed in 1971 were intoxicated when they committed criminal offenses. For crimes of aggression—such as murder, robbery, rape, and assault—the rates were "rather higher."[4]

[3] James J. Collins, "Alcohol Careers and Criminal Careers," in Collins, (Ed.), *Drinking and Crime: Perspectives on the Relationships Between Alcohol Consumption and Criminal Behavior*, 1981, p. 191. Data were first reported in a survey of State correctional inmates conducted by the Bureau of the Census for the former Law Enforcement Assistance Administration, 1974.

[4] Joachim Gerchow, "Alcohol Use and Juvenile Delinquency," *Child Health*, v. 2, 1983, p. 129.

- More than 52 percent of college students who admitted committing crimes were under the influence of alcohol when the incident occurred.[5]
- According to a school administrator who investigated the problem, 100 percent of sexual assault cases at the University of Colorado involve alcohol.[6]

One researcher had reviewed other researchers' attempts to link alcohol use and crime. He noted that researchers' have found that anywhere from 6 to 72 percent of minors were under the influence of alcohol at the time of the crime.[7] This wide range further illustrates the barriers that researchers encounter when examining this issue.

Future Technology May Enable Data Collection and Analysis

Technological advances may aid researchers attempting to link underage drinking and crime. A new, computerized national crime reporting system and a passive alcohol sensor may provide data on alcohol's role in youth crime in the future.

The FBI has collected, analyzed, and published national crime data since 1930. The FBI's *Uniform Crime Reports* contains data relating to the number and types of crimes committed every year. To improve the quality, accuracy, and usefulness of this information, the FBI has initiated a program to automate and standardize the way communities report crime statistics. The National Incident-Based Reporting System (NIBRS) requires that State and local agencies enter certain crime information into a computer database.

The FBI requires that each database contain a field to indicate whether authorities suspect that an offender consumed alcohol or drugs prior to the incident. In its implementation guidelines to State and local agencies, however, the FBI states that the field may be left empty if the reporting police officer does not note any alcohol or drug use. In order for the system to provide reliable national data, arresting officers must note alcohol use.

Another barrier is the cost to States and local communities. Implementing the NIBRS requires costly computer equipment and technical expertise. Because of current budget difficulties, only a handful of communities participate in the program.

Another technological advance is a new alcohol sensor that may allow police officers to determine immediately whether criminal suspects have consumed alcohol. Authorities in some communities have begun implementing a new "passive" alcohol sensor. The device monitors the alcohol content of air near a suspect's mouth without requiring any special effort on the suspect's part. Although the sensors primarily are used to detect drunk drivers, they could be used quickly and legally to determine the sobriety of a criminal suspect. Authorities could record this information in the arrest report or in an automated computer database.

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[5] National Families in Action (NFIA), "College Students Report Strong Link Between Substance Abuse and Campus Crime," *Drug Abuse Update*, no. 34, September 1990, p. 13.

[6] NFIA, "Alcohol Use Linked with Sexual Assault, Gang Rape on College Campuses," *Drug Abuse Update*, no. 28, March 1989, p. 17.

[7] Gerchow, p. 129.

Appendix A

List of Contacts

Federal Agencies

Department of Health and Human Services:
- Public Health Service:
  - Alcohol, Drug Abuse, and Mental Health Administration:
    - National Institute on Alcohol Abuse and Alcoholism
    - National Institute on Drug Abuse
    - Office for Substance Abuse Prevention

Department of Justice:
- Drug Enforcement Agency
- Federal Bureau of Investigation
- Office of Justice Programs:
  - Bureau of Justice Statistics
  - National Institute of Justice
  - Office of Juvenile Justice and Delinquency

State Enforcement /Juvenile Justice Agenices

Alabama Criminal Justice Information Center
California Attorney General's Office
California Youth Authority
California Department of Justice, Bureau of Criminal Statistics
Illinois Criminal Justice Information Authority
Massachusetts Department of Probation
New Mexico Youth Authority
Oklahoma Department of Human Services
Oregon Law Enforcement Data System
Pennsylvania State Police
Vermont Administrator for the Courts
Washington Department of Social and Health Services, Office of Juvenile Rehabilitation

State Alcoholic Beverage Control Agencies

Indiana Alcoholic Beverage Commission
Oklahoma Alcohol and Beverage Laws and Enforcement Commission
Oregon Liquor Control Commission
Washington Liquor Control Board
West Virginia Alcoholic Beverage Control

City/County Juvenile Justice Agencies

Boise, ID Juvenile Probation Department
Boston, MA Juvenile Court System
Charlotte, NC Juvenile Courts
Dallas, TX Juvenile Court System
Denver, CO Juvenile Intake Division

Detroit, MI Juvenile System
Little Rock, AR Juvenile Courts, Prosecution Office
Los Angeles, CA Juvenile Court System
Louisville, KY Juvenile and Family Courts
Memphis, TN and Shelby County Juvenile Court
Miami, FL Juvenile Intake
Milwaukee, WI Probation Department
San Francisco, CA Probation Department
Springfield, IL Juvenile Division, Department of Corrections
St. Louis, MO Juvenile Court Intake Department
Tulsa, OK Juvenile Courts
Wichita, KS Juvenile Court Administration

Local Enforcement Agencies
Charles County, MD Office of the Sheriff
Columbus, NE Police Department
Honolulu, HI Police Department
Los Angeles, CA Police Department
Plymouth, NH Police Department
Portland, OR Police Department
San Francisco, CA Department of Public Health
South Paris, ME Sheriff Department

Researchers/Academia/Clearinghouses
Drugs & Crime Clearinghouse
Ernie Chavez, Colorado State University
Delbert Elliott, University of Colorado
Jeff Fagan, Rutgers University
Jim Inciardi, University of Delaware
Interuniversity Consortium for Political and Social Research
(University of Michigan)
National Clearinghouse for Alcohol and Drug Information
National Council on Crime and Delinquency
National Criminal Justice Reference Service
Prevention Research Center (University of California, Berkeley)
Rutgers University Criminal Justice/NCCD Collection
Eric Wish, University of Maryland

Special Programs
Arizona Teen Court
DARE, Los Angeles
National Families in Action
Nebraska Cooperative Enforcement Plan
Project Graduation
Washington Regional Alcohol Program

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CHAPTER 4:

Laws and Enforcement

Purpose

This inspection examined (1) current State laws and regulations governing youth access to alcohol and (2) how these laws are enforced.

Background

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) provide information on State alcohol laws and enforcement. These concerns mirror one of Department of Health and Human Services (HHS) Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. This report is one in a series prepared by the OIG related to youth and alcohol.

Youth Alcohol Use

As reported in recent surveys, youth under the legal drinking age of 21 drink alcohol. In a June 1991 report, the OIG reported that 51 percent of the nation's 20.7 million junior and senior high school students have had at least 1 drink within the past year. Eight million students drink weekly and 454,000 binge weekly. In addition, students reported that alcohol is easy to obtain. Nearly 7 million students purchase their own alcohol from stores.[1] In addition to the OIG survey, the 1990 National High School Senior Survey found that 89.5 percent of high school seniors have drunk alcohol at least once, and 32.2 percent have experienced a "binge" of five or more drinks in a row within the previous 2 weeks.[2]

Government and Public Interest Response

At the Federal level, the National Minimum Drinking Age Act of 1984 required all States to raise their minimum purchase and public possession age to 21. States that did not comply faced a reduction in highway funds under the Federal Highway Aid Act.[3] The Department of Transportation has determined that all States are in compliance with this Act.

The National Minimum Drinking Age Act specifically prohibits purchase and public possession of alcoholic beverages. It does not prohibit persons under 21 (also called youth or minors) from drinking. The term "public possession" is strictly defined and does not apply to possession:

- for an established religious purpose;
- when accompanied by a parent, spouse, or legal guardian age 21 or older;
- for medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution;

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[1] Office of Inspector General, *Youth and Alcohol: A National Survey—Drinking Habits, Access, Attitudes, and Knowledge*, June 1991, p. 3.

[2] University of Michigan, Institute for Social Research, "Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth," January 1991. Kevin Kadlec, "National Minimum Drinking Age," *Cleveland State Law Review* (34), 1986, p. 637.

[3] Kevin Kadlec, "National Minimum Drinking Age," *Cleveland State Law Review* (34), 1986, p. 637.

- in private clubs or establishments; and
- in the course of lawful employment by a duly licensed manufacturer, wholesaler, or retailer.

Article XXI of the United States Constitution, which repealed prohibition, grants States the right to regulate alcohol distribution and sale. State laws are unique, but each allows local communities to regulate youth access to alcohol through local ordinances and law enforcement.

Private organizations, including alcohol industry and public-interest groups, are becoming more involved in identifying ways to decrease or eliminate youth access to alcohol. Some organizations, such as Mothers Against Drunk Driving (MADD) and the newly-created Century Council, work to reduce alcohol abuse throughout the country by educating the public and lobbying for legislation.

Controlling Alcoholic Beverage Sale and Distribution

Each State decides how it will license and operate the alcoholic beverage industry—either through a control or license structure. Eighteen "control" States have partial or total responsibility to distribute and sell alcohol. Thirty-three "license" States issue permits or licenses to individuals or companies to sell alcohol.

All States have either State or local administrative agencies that issue liquor licenses and/or enforce the laws against vendors and youth. State agencies, usually called alcoholic beverage control (ABC) agencies, regulate the manufacture, distribution, and sale of alcoholic beverages within the State. Forty-nine States have ABCs while Hawaii and Nevada rely on local agencies to oversee State alcohol laws. These agencies monitor all vendors (also called licensees or permit holders).

Thirty-nine States have "local option" provisions, which allow communities to limit or ban the sale of alcohol. These communities also have the power to regulate where and when alcohol is sold.

States require vendors to obtain State and/or local licenses. Licenses are renewed usually on an annual basis after a renewal fee is paid and other requirements are met. As of July 1991, there were approximately 560,000 retail licenses issued in the United States.

Laws

State laws address separately youth-related violations. These include:

- **Sales to minors.** Prohibits vendors or any other persons from selling, giving, or otherwise providing alcohol to minors.
- **Purchase.** Prohibits or limits minors from obtaining alcohol from vendors or other sources.
- **Possession.** Generally prohibits or limits minors from carrying or handling alcohol. All State laws contain various exemptions, such as handling alcohol in the course of employment and possession with parental permission.
- **Consumption.** Prohibits or limits minors' actual drinking of alcoholic beverages
- **Misrepresentation of age.** Provides for penalties against minors who present false identification or otherwise represent themselves as being of the legal purchase age.

Penalties

State and local enforcement agencies may use administrative and/or criminal penalties against alcohol law violators. Administrative penalties are assessed against vendors

through licensing agencies. Administrative penalties include fines and license suspensions and revocations. Criminal penalties are assessed against vendors or minors through State or local criminal courts. Criminal penalties include fines, jail sentences, and diversionary programs, such as community service.

Methodology

During June and July 1991, we conducted interviews with ABC and/or State enforcement agency officials from 48 States and the District of Columbia. For Hawaii and Nevada, we interviewed officials from appropriate local enforcement agencies. We used structured discussion guides to obtain information about State laws and enforcement practices, effectiveness, and interagency cooperation.

Concurrently, we reviewed all State alcohol control laws and regulations pertaining to youth. We used the Commerce Clearing House *Liquor Control Law Reporter*, which continually tracks and updates State liquor control laws. We also used the National Highway Traffic Safety Administration *Digest of State Alcohol-Highway Safety Related Legislation*, which provides an overview of drunk driving-related laws. When necessary, we contacted State officials to clarify provisions.

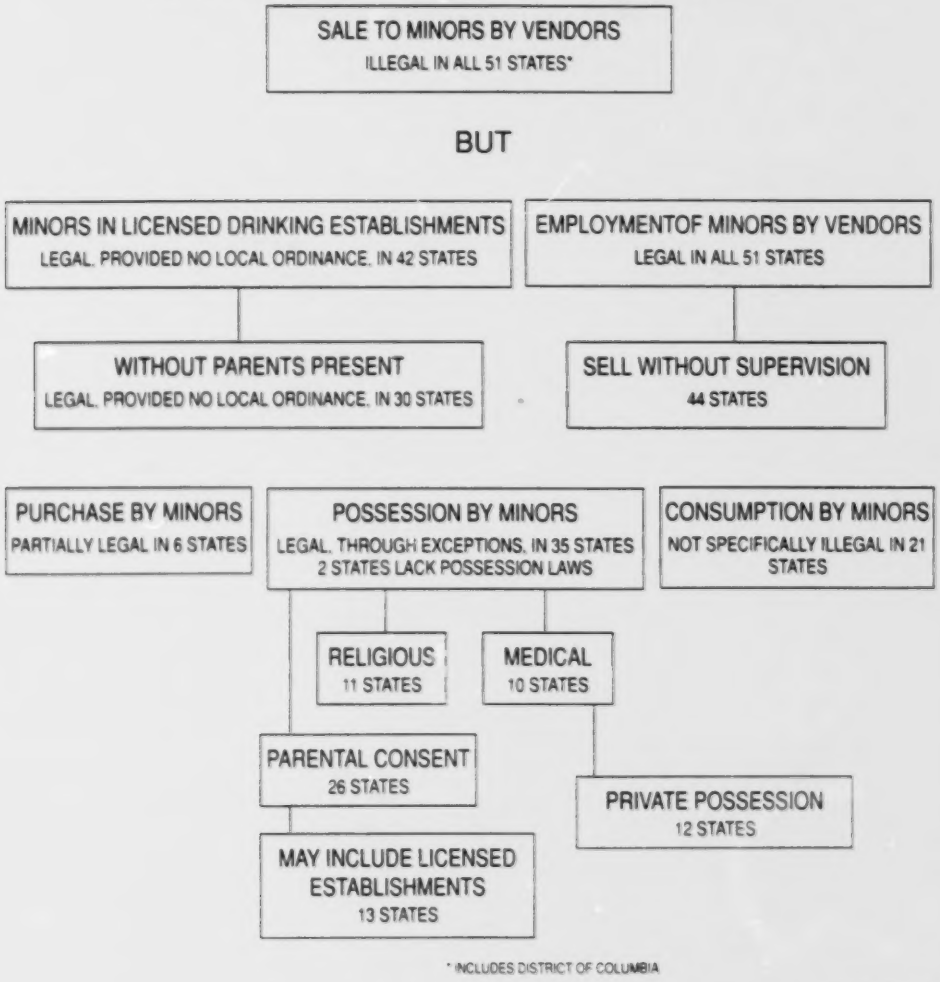
Findings

State Laws Contain Loopholes That Permit Underage Drinking

Although it is illegal to sell alcoholic beverages to minors, minors can legally purchase, possess, and consume alcohol

The chart below illustrates the number of States that permit minors to legally obtain and use alcohol and sell or serve alcoholic beverages.

SALE, PURCHASE, POSSESSION, AND CONSUMPTION ARE TREATED DIFFERENTLY IN STATE LAWS



Although no States permit vendors to sell to minors, six States do not prohibit minors from purchasing alcohol

Six States do not have laws which prohibit minors from purchasing or attempting to purchase alcohol. However, these States prohibit minors from using false identification or misrepresenting their age. Recently, the Insurance Institute for Highway Safety con-

ducted a study in New York and Washington, D.C. of alcohol vendors selling to minors. Minors purchased beer successfully in 44 to 80 percent of New York stores and 97 percent of Washington, D.C. stores.[4] The Insurance Institute chose these States because no legal impediments existed for minors purchasing or attempting to purchase alcohol.

States allow minors to possess alcohol

Under certain conditions, it is legal for minors to possess alcohol in many States. Minors can possess alcohol with parental consent, for religious purposes, in private residences, in public establishments with a parent or spouse of legal drinking age present, and for medicinal purposes. State officials mainly complained about the private residence exception because often no parental supervision is required. "Most drinking has gone into homes, rather than parking lots," said one official. Another official added, "Our statute that makes it a crime for minors to consume in a public place is fine, but this does not cover private places. An example is a keg party at a private home. The police cannot arrest minors nor can they confiscate the keg of beer."

Some States have attempted to address this issue legislatively. For example, California enacted a "Kegger Statute" that allows authorities with probable cause to enter private establishments to investigate potential youth alcohol violations. Police are then allowed to "seize any alcoholic beverages in plain view at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 are participating, persons under the age of 21 are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants."[5]

Five States prohibit minors from possessing alcohol only if they intend to consume it. Because they must prove "intent to consume," law enforcement officials in these States are reluctant to arrest minors for possession of alcoholic beverages.

Twenty-one States do not specifically prohibit consumption by minors

Officials from these States stressed that minors who consume alcohol can be prosecuted under possession laws. However, one State's law specifically contains a loophole. Arkansas has no consumption law, and its possession law states that "intoxicating liquor, wine, or beer in the body of a minor shall not be deemed to be in his possession."

State laws that allow minors to sell or serve alcohol without adult supervision may result in easier youth access to alcohol

Forty-four States allow minors to sell alcohol without adult supervision in stores or restaurants. According to an OIG survey of junior and senior high school students, more than 3.5 million students purchase alcohol from stores with young clerks and almost 3 million students purchase alcohol from stores where they know the clerk.[6] State officials expressed concern about youth employment laws. "Store owners need to know that youth are under a lot of pressure to sell to other youth," said one State official. Another State official said allowing unsupervised youth to sell alcohol was "ridiculous." Kentucky currently is considering revising youth employment laws to change the age for serving alcohol from 20 to 21.

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[4] David F. Preusser and Allan F. Williams, Insurance Institute For Highway Safety, *Sales of Alcohol to Underage Purchasers in Three New York Counties and Washington, D.C.*, March 1991, pp. 2 and 4.

[5] *California Alcoholic Beverage Control Act, Business and Professions Code*, Section 25662(b), p. 194.

[6] Office of Inspector General, the findings from the survey included in two reports, *Youth and Alcohol: A National Survey—Drinking Habits, Access, Attitudes, and Knowledge* (OEI-09-91-00652) and *Youth and Alcohol: A National Survey—Do They Know What They're Drinking?* (OEI-09-91-00653).

Although strict local ordinances may apply, 42 States do not prohibit minors from entering drinking establishments

State officials stressed that communities often determine youth access to drinking establishments. However, some officials complained that in communities with no regulation, stopping youth drinking is difficult. "Letting minors into clubs causes a lot of problems," said one official. "It's too easy for someone to buy a drink and then push it over to the person who is underage." Another official was concerned that his State's laws would become more relaxed. "One proposal would allow unaccompanied minors into licensed facilities. This is a regulator's nightmare. Underage drinking laws would be unenforceable."

State and Local Agencies Have Difficulty Enforcing Youth Alcohol Laws

The major obstacles to effective enforcement are (1) budget and staff reductions,(2) low priority of youth alcohol enforcement, and (3) the lack of ABC jurisdiction over minors. One official commented, "We do not have the mechanism or ability to enforce the laws. Local police have another priority—drugs. They ignore alcohol."

Forty-three State officials argued that inadequate resources and manpower have hindered enforcement. Officials said:

- "We are transferring all programs involving underage drinking to the local police. We have no personnel because of budget problems in this State. Since January, we have not done any enforcement. Two years ago, we had two investigators in the field; now we have no investigators."
- "We have 10 field investigators for 9,000 to 10,000 licensees, whereas in 1969, we had 30 field investigators and 6,000 licensees."
- "Our enforcement staff has been cut from 72 to 40."

State officials stressed that other priorities and lack of public support prevent enforcement agencies from being effective. "It's a no-win situation," said one official. "Law enforcement does not get public support for busting kids. Parents don't want their child arrested for something that every other child does. Alcohol enforcement is the opposite of illicit drug enforcement."

Enforcing youth alcohol laws is a low priority in some areas. One State official described how costly this can be:

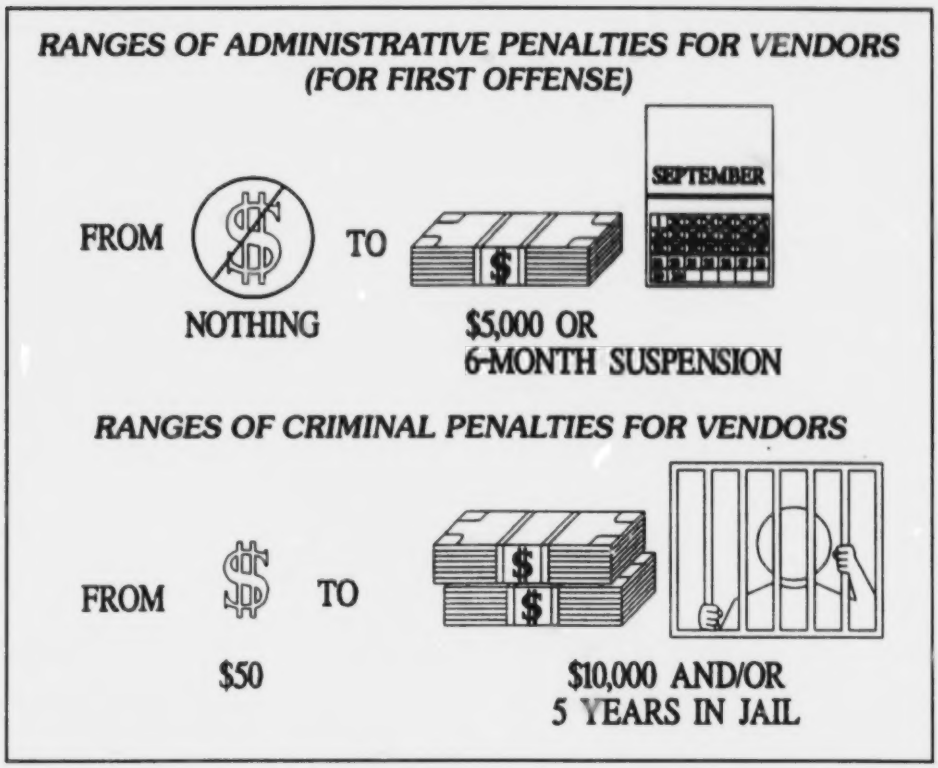
"Up until 5 years ago, the average police officer in New Hampshire didn't do more than take the alcohol away from a youth found with alcohol. About 5 years ago, there was a case in which several youth purchased alcohol in a small New Hampshire town. A police officer stopped the vehicle and took the alcohol, but he let the youth go. The police officer didn't notify the parents. He thought he was doing the kids a favor by not taking them into custody. The youth went to Massachusetts, bought more alcohol, and ended up in a car accident in which someone was killed. The parents of the person who was killed sued the town. The New Hampshire Supreme Court found the town liable. It was a very expensive lawsuit. Since then, all police officers take youth into custody until they can release them to their parents. The police are very conscious about this issue now."

Local enforcement agencies frequently experience similar resource and priority constraints. One official defended local agencies: "They give all of the time that they are capable of giving. Demands for their services and resources are very high. The communities are more interested in things like emergency response time." Cooperation and communication among ABCs and State and local law enforcement agencies often is limited. Some officials complained that enforcement agencies do not share arrest and complaint data with licensing agencies.

Nominal Penalties Against Vendors and Minors Limit Enforcement's Effectiveness

While vendors who sell to minors are often fined or suspended, revocations are rare

Vendors who sell to minors are penalized by administrative and/or criminal sanctions. The charts below illustrate the range of administrative and criminal penalties.

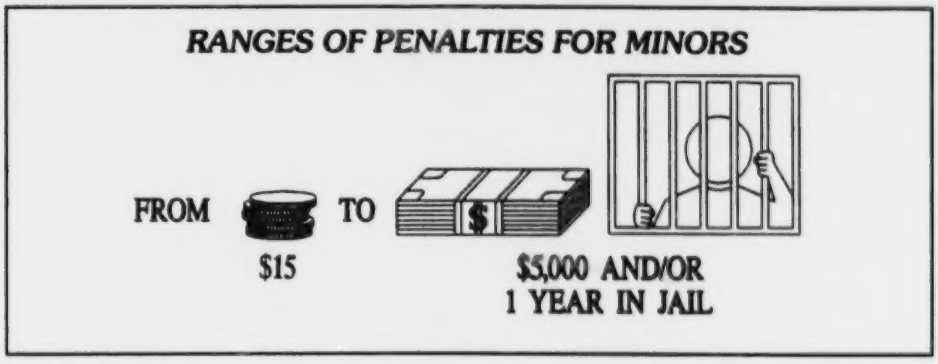


When applied, license suspensions and revocations are effective deterrents because vendors lose all alcohol revenues during the suspension period. However, State agencies often do not suspend licenses for first offenses. In addition, at least 10 States allow vendors to pay increased fines in lieu of license suspensions. In one State, vendors may pay $100 per day during a suspension rather than serve the suspension. State officials say they rarely revoke licenses. Most States revoke licenses only when flagrant violations—such as multiple violations, illicit drug sales, or prostitution—occur on licensed premises.

A few States do not penalize vendors for their employees' actions. Employees may be subject to criminal penalties, but agencies do not take administrative action against the vendors, unless the vendor—rather than his employees—commits the violation.

Penalties against youth often are not deterrents

Although youth alcohol violations are classified as misdemeanors in most States, penalties can be insignificant. One State fines youth $15. An official from a State with a $25 penalty stated, "Many police do not even cite the minor, but they'll cite the licensee. For the kid who's caught, sometimes the only inconvenience is having to show up at our court as a witness." The chart below indicates the range of youth penalties:



A few States have developed separate fine structures for different age groups. In Iowa, the law distinguishes between persons under 19 and those 19 and 20 years of age. While persons under 19 are subject to a $100 fine and 30 days in jail for alcohol violations, persons 19 to 20 are subject to a $15 fine which may be paid like a parking ticket.

Courts are lenient

Even when strict penalties exist, courts do not apply them, according to most State officials. "Judges do not like mandatory penalties," said one official. "Sometimes they ignore the statutes. Kids are not held accountable for breaking the law." Such leniency translates into enforcement difficulties for the alcohol-control agencies. Another official illustrated the problem. "I caught a kid in the parking lot with beer. He was unconcerned. This was the second time in 8 months that he's been caught."

Court leniency is partly the product of priorities and overload. One official said, "The courts look at alcohol as a nuisance. Drugs are a higher priority." Overcrowding results in lowered penalties, asserted a State official. He added, "Our courts are virtually going to break down due to antiquated procedures and case overload. A police officer can spend up to 3 days a week in court rather than on his or her territory."

Court officials' personal feelings may influence judgments. "There is definitely an 'old-boy network' in some of the smaller towns," said an official. Another official described the social pressures the courts encounter. "The court system faces attitudes, both internally and externally. They hear that 'it's all part of growing up' and 'please don't give our son a police record.' " Another official summarized, "They have other concerns. There is a prevailing attitude that 'we did that when we were young.' "

States Have Difficulty Preventing False ID Use

Thirteen States admitted that they are having difficulty preventing youth from using false identification documents (ID) to purchase alcohol. "There are kids who look over 21, and their IDs look real," said one official. Another official called his State's false ID problem "rampant."

Although 46 States have laws and penalties against minors' misrepresenting their age and/or presenting false ID to purchase alcohol, these do not deter youth. "Kids do not have a problem with using fake ID," said one official. Another official stated that minors will attempt to buy alcohol no matter how poor the identification is:

> We recently had an administrative hearing about a vendor who sold alcohol to a minor. The vendor asked for ID. The 16-year-old boy—who looked 16—presented the ID of 5-foot 4-inch female, except he had taped his picture on it. He was a 6-foot 5-inch male. Nonetheless, the clerk sold beer to him. Luckily, our officers had the store under surveillance and saw him carrying the beer out.

States have difficulty taking enforcement actions against vendors when minors use false ID. "When fake ID is used, we cannot get the retailer for selling to the minor," said one official. Another official added, "An 18-year-old used fake ID to buy alcohol and got killed. The seller was sued, but the case was dismissed. The ID met statutory requirements."

Although States have attempted to combat the problem, they have had limited success. Some States recommend that vendors purchase a book that contains pictures of all legal State IDs. However, minors may obtain legal driver's licenses with false birth documents. Some manufacturers use counterfeiting equipment to produce near-perfect reproductions. "There are sophisticated ID rings," said one official. "We cracked one that had stolen driver's license material. Multiple felonies could have been charged, but it was reduced to a municipal violation."

State officials believe the Federal government must take action, because minors obtain false ID from other States or through the mail. A Connecticut official stated, "Minors can get State driver's licenses in Times Square in New York City for $10 to $15 each." Two other State officials argued that the Federal government must crack down on illegal ID manufacturers. "We've located the manufacturers, but we can't regulate those in other States," said one official. "Federal legislation could make it illegal to sell anything through the mail which is designed to pass for a legal ID or State license," added another.

Some States Have Developed Creative Methods to Enforce Alcohol Laws and Penalize Offenders

Faced with limited resources, States have developed innovative methods to prevent youth from obtaining alcohol. Some of the more popular ideas include suspending youth driver's licenses, establishing alternative penalties for minors, allowing vendors to obtain signed statements from suspected minors, conducting decoy or "sting" operations, educating vendors on laws and penalties, and enacting stringent "dram shop" laws.

Drivers license suspension may be the only penalty that deters youth

> *"The one thing that a minor cares about is his driver's license. Other penalties do not work. We find that a lot of fines go uncollected because there's nothing the court can do if the minor doesn't pay."*

Of the 27 States that delay, suspend, or revoke youth drivers' licenses for alcohol-related violations, some take action for any alcohol violation, while others do so for specific violations only. The suspension varies from several days to several years, depending on the State, violation, and minor's record.

Officials from States with this option argue that traditional, statutory penalties do not deter youth. Judges rarely sentence minors to jail, and parents usually pay the monetary penalties, not the minors. One State official complained that "because of our

State's weak laws, kids come from surrounding States, both of which provide for license suspension."

Community service and counseling programs are other diversionary penalties

Alternative penalties are one way to direct the penalty at the minor. Judges often suspend a sentence pending a minor's completion of a community service or counseling program. Youth who are assigned community service often must surrender dozens of hours to various community projects. Other minors need help with alcohol dependency, and they are required to enroll in a counseling program.

> *"It's embarrassing to be seen picking up trash."*

Some States offer vendors the opportunity to require suspected minors to sign affidavits

> *"While minors may have no problem using fake identifications, they don't like to sign their names on legal documents."*

Ten State officials mentioned that vendors are allowed to require buyers to sign affidavits stating that they are 21. The affidavit explains the penalties against minors who attempt to purchase alcohol or misrepresent their age.

Vendors support this because the affidavit serves as proof that the minor misrepresented his or her age.

Decoy or "sting" operations successfully limit vendors from selling to minors

Twenty-four officials volunteered that either the State ABC or the State or local police perform successful youth decoy operations otherwise known as "stings." These operations consist of sending minors into stores and restaurants to purchase alcohol. If the employee sells alcohol to the minor, an undercover agent will cite or arrest the employee and/or vendor. The major purposes are to identify and penalize vendors that sell to youth.

> *"Sting operations allow us to control our vendors much more effectively. In one parish, we had minors buy alcohol in 21 of 22 convenience stores. The vendors attended hearings and were either fined and/or had theirlicenses suspended. The next year, only three vendors sold alcohol to our minors."*

Many States do not by law allow "stings." One State official admitted that his State does not use stings because authorities feel uncomfortable having minors attempt illegal actions.

States perform reverse minor decoy programs, such as Indiana's "Operation Grab" and Delaware's and Oklahoma's "Cops-in-Shops." In these programs, agents pose as clerks and servers to arrest minors and adults who buy for minors. Vendors have been receptive to this program and have cooperated with enforcement agencies.

Educating vendors about laws and penalties reduces sales to minors

> *"I've been astounded by some of the questions vendors ask me during these training sessions."*

Although most States have provisions for either mandatory or voluntary server training programs, 47 of the 51 State officials believe that increasing server training would be effective in preventing minors from obtaining and consuming alcohol. Server training involves educating vendors about the State's alcohol control laws, regulations, and penalties, their civil liability for selling to a minor, how to identify an underage drinker, and how to determine

whether an identification card is genuine. Server training may be offered by ABCs or other public or private organizations.

When asked if they have undertaken any special initiatives to prevent alcohol sales to minors, one-third of the officials volunteered that their States' effective server training programs have been vital. "We know server training works. We can demonstrate this," said one State official. "In the past year, we have educated 2,000 people," added another official. "And there has been only one infraction from that group."

While 11 States mandate server training for all vendors, most programs are voluntary. As an incentive, States may reduce penalties for vendors who have completed training and have illegal sale violations. One official reported that vendors in his State are protecting themselves by installing hidden cameras that show people entering the establishment and presenting IDs to the clerk.

Strict "dram shop" laws deter illegal sales to minors

Twenty-three States have civil liability or "dram shop" laws which specifically allow lawsuits against persons who provide alcohol to minors. Several other States allow lawsuits, but only under certain conditions. South Dakota clearly prohibits such lawsuits. Several State officials mentioned that the threat of costly litigation causes vendors to refuse to sell alcohol to minors.

> *"We have Strong 'dram-shop' liability laws. Vendors have been more concerned since these were passed. Being sued does not put them out of business, but their insurance premiums go through the roof. Then they have to raise prices, and they lose business. Our dram-shop laws have made industry more responsive. You have to empower the people to affect vendors' well-being."*

In 1985, the American Bar Association (ABA) recommended that all States enact statutes to allow lawsuits against persons who knowingly sell alcohol to minors. The ABA reasoned that such a statute would promote responsible serving practices.[7] In 1985, the Federal government funded the development of a model dram shop law. During this development, a review of court cases in three States revealed that "the legal system was not establishing clear guidelines for applying dram shop liability provisions or concepts."[8] The model dram shop law clearly allows lawsuits for damages resulting from negligent alcohol sales to minors. It also promotes responsible serving practices by allowing a vendor to use evidence of server training as a defense in a lawsuit.

Officials reported other practices that they believe are effective:

- New Jersey issues a minor's drivers licenses with profile photographs, rather than the frontal photograph used for adults.
- Many States require visible notices posted in establishments explaining penalties for serving to minors, and for minors themselves.
- In Florida, employees sign affidavits acknowledging that alcohol sales to minors are immediate cause for dismissal.
- Alabama issues press releases listing names of minors arrested for alcohol violations. Michigan publishes the results of vendor sting operations.

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[7] American Bar Association, *American Bar Association Policy Recommendation on Youth Alcohol and Drug Problems* (Washington: American Bar Association, 1986), p. 39.

[8] Victor Colman et al., "Preventing Alcohol-Related Injuries: Dram Shop Liability in a Public Health Perspective," *Western State University Law Review* (12), Spring 1985, p. 444.

- Ohio and New Hampshire send letters to school principals about enhanced enforcement activities during proms or graduation time.
- In Oregon, when schools hear of parties, the ABC sends letters to the parents about the party and the parents' potential liability.
- North Dakota, Oregon, and Washington require vendors to register beer kegs for identification purposes. In addition, North Dakota vendors use invisible ink on tags that allows authorities to track purchasers. In Washington, if the police raid a party and find that the beer keg does not have the tag, the 21-year-old who is nearest to the beer keg may be cited with a violation.
- New Hampshire, Ohio, and Virginia offer toll-free telephone numbers for citizen complaints.

Enforcement Is Inhibited by Public Attitude and Deficiencies in Education

According to State officials, the public's attitude about youth drinking and deficiencies in comprehensive, early alcohol education in schools are common enforcement obstacles. One-third of the officials mentioned that public indifference makes controlling underage drinking difficult. Forty-eight of 51 officials believe that increasing alcohol education in schools would decrease students' alcohol use.

Public indifference prevents changes in youth attitudes

State officials mentioned problems with parental and social attitudes. "A lot of kids are encouraged to drink by lax parental behavior," said one official. In some States, social attitudes have changed when community groups challenge the status quo. State officials believe that organized community groups, such as MADD, influence State legislators, enforcement agencies, and courts. One official commented, "Society is going to have to become responsible for itself. It will have to expand from the family to the workplace to the community."

Although officials complained that the public accepts youth drinking, they believe that the Surgeon General can change public attitudes. One State official mentioned the cigarette smoking campaigns that publicize adverse health effects. He commented, "The Surgeon General's research on the effects of cigarette smoking had an effect on behavior. Increased research and documentation of alcohol problems might help. The same thing needs to happen with alcohol as happened with smoking." Another added, "It needs to be socially unacceptable for youth to drink."

Early education, innovation, and focus on penalties and health are keys to success

State officials volunteered techniques they use to increase education's effectiveness:

- Start education early. State officials believe that early alcohol education, as early as kindergarten, shapes life behavior. "'Why are kids drinking?' is the question that needs to be answered," said one official. "People are better educated about alcohol than ever before, but youth continue to drink. We need to focus our message on younger students. By the time they reach college, it's too late."
- Use peer pressure to make drinking unpopular. State ABCs, in conjunction with schools and local communities, have attempted to create a group of non-drinking youth through various promotions. In turn, the group uses peer pressure to discourage youth drinking. In North Carolina, a national insurance company enlisted the help of local radio stations to convince students to sign no-drinking pledges by offering prizes and other incentives. Under a federal grant, Ohio worked with MADD to

create an animated character/mascot, called Hoola the Hippo, and a video that encourages younger students to make responsible decisions and resist peer pressure to drink.

- Educate youth on laws and penalties as well as health consequences of drinking. Some State officials believe that youth should be educated about the health consequences and legal penalties they face for drinking alcohol. "Kids do not understand what alcohol does to the body and the mind. We should show them the victims of drunk driving, for instance, in driver's education." Another State official believes that programs will be effective only if they show the potential liability—such as suspension of their drivers' licenses—as well as the health effects. One official cautioned that educators must be careful and not equate alcohol with illegal drugs. "A lot of education is done clumsily. It disturbs me that they talk about a glass of beer in the same sentence as crack cocaine. Beer is a legal, socially acceptable substance. Treat it like it is."

Checklist for States

The OIG report has identified loopholes in state laws and weaknesses in law enforcement and education. We encourage States to examine their laws and policies concerning youth access to alcohol and offer the following checklist.

Do Your Alcohol Laws:

- ☐ prohibit youth from purchasing and attempting to purchase,
- ☐ prohibit youth from consuming and possessing in public places,
- ☐ prohibit youth from consuming and possessing in private places without parent or guardian supervision,
- ☐ contain employment provisions which reduce the opportunity for youth to sell alcohol to peers,
- ☐ ban youth from entering bars, taverns, cocktail lounges, and other establishments that are primarily drinking establishments,
- ☐ contain specific civil liability provisions addressing establishments and individuals that illegally provide alcohol to minors,
- ☐ contain provisions such as California's "Kegger Statute" that allow enforcement agents to take action against minors who drink in private residences,
- ☐ provide decoy operation authority, and
- ☐ provide options for diversionary penalties, such as driver's license suspension?

Do You Emphasize the Need for Law Enforcement and ABC Agencies to Prevent Youth From Illegally Purchasing Alcohol By:

- ☐ giving high priority to detecting and prosecuting alcohol-related offenses,
- ☐ ensuring that alcohol enforcement agencies are adequately funded and staffed,
- ☐ giving your ABC jurisdiction over minors, and
- ☐ assuring that penalties are adequate, appropriate, and uniformly applied?

Are Your Education Efforts Directed At:

- ☐ youth at early ages, using unique approaches whenever possible,
- ☐ the general public to change attitudes about youth drinking,
- ☐ law enforcement agencies to emphasize the need to eliminate youth access to alcohol,
- ☐ the judicial system to stress the need to impose penalties, and
- ☐ alcoholic beverage sellers through vendor and server training programs?

Do You Inhibit the Use of False Identification Documents (IDs) By:

- ☐ prohibiting the manufacture and sale of false IDs,
- ☐ prohibiting minors from misrepresenting their age,
- ☐ providing adequate penalties for violations of false ID laws,
- ☐ vigorously prosecuting offeners, and
- ☐ issuing drivers' licenses and identification cards that cannot be duplicated or counterfeited?

Appendix: Compendium of State Laws

Purpose

This compendium presents State alcoholic beverage control laws relating to youth for all 50 States and the District of Columbia.

Background

In response to public health concerns and the adverse health consequences of alcohol abuse, Surgeon General Antonia Novello requested that the Office of Inspector General (OIG) provide information on State alcohol laws pertaining to youth. These concerns mirror one of Department of Health and Human Services Secretary Louis Sullivan's goals which is to reduce the prevalence of alcohol problems among children and youth. This report is one in a series prepared by the OIG related to youth and alcohol.

Youth Alcohol Use

As reported in recent surveys, youth under the legal drinking age of 21 drink alcohol. In a June 1991 report, the OIG reported that 51 percent of the 20.7 million junior and senior high school students have had at least 1 drink within the past year. In addition, 8 million students drink weekly, 454,000 binge weekly, and 6.9 million purchase their own alcohol from stores.[1] According to the 1990 National High School Senior Survey, 89.5 percent of high school seniors have drunk alcohol at least once, and 32.2 percent have experienced a "binge" of five or more drinks in a row within the previous 2 weeks.[2]

State Alcoholic Beverage Control

Two directives have influenced greatly States' control of alcoholic beverages. First, Article XXI of the United States Constitution, which repealed prohibition, grants States "...control over whether to permit importation and sale of liquor and how to structure the liquor distribution system." Second, the National Minimum Drinking Age Act of 1984 requires each State to make purchase and public possession by persons under 21 years of age illegal or risk reduction in highway funds.

In response to these mandates, States have developed unique liquor laws relating to youth. These laws may or may not address:

- Sales to minors. Prohibits vendors or any other persons from selling, giving, or otherwise providing alcohol to minors.
- Purchase. Prohibits or limits minors from obtaining alcohol from vendors or other sources.

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[1] Office of Inspector General, *Youth and Alcohol: A National Survey—Drinking Habits, Access, Attitudes, and Knowledge*, June 1991, p.3.

[2] University of Michigan, Institute for Social Research, "Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth," January 1991.

- Possession. Generally prohibits or limits minors from carrying or handling alcohol. All State laws contain various exemptions, such as handling alcohol in the course of employment and possession with parental permission.
- Consumption. Prohibits or limits minors' actual drinking of alcoholic beverages.
- Misrepresentation of age. Provides for penalties against minors who present false identification or otherwise represent themselves as being of the legal purchase age.

In addition, States may regulate alcohol sale and distribution, establish advertising guidelines, and enact penalties for violators of these laws. State Alcoholic Beverage Control (ABC) agencies generally administer these laws.

Methodology

During July 1991, we reviewed all State alcohol control laws and regulations primarily pertaining to youth. We used the Commerce Clearing House *Liquor Control Law Reporter*, which continually tracks and updates State liquor control laws. To validate our information, we also used the National Highway Traffic Safety Administration *Digest of State Alcohol-Highway Safety Related Legislation* and the Distilled Spirits Council of the United States *Summary of State Laws and Regulations Relating to Distilled Spirits*. We did not verify the data with States.

In addition, we conducted interviews with ABC and/or State enforcement agency officials from 48 States and the District of Columbia. For Hawaii and Nevada, we interviewed officials from appropriate local enforcement agencies. We used structured discussion guides to obtain information about State laws, loopholes, enforcement, and creative practices.

Descriptions of Matrices

The matrices on pages 54 and 55 provide an overview of the major laws and loopholes relating to minors and alcoholic beverages. The matrices on pages 57 through 64 detail the penalties associated with breaking these laws. The final 6 matrices, on pages 66 through 76, detail various issues relating to the distribution, sale, and regulation of alcoholic beverages.

Matrices

Loopholes in State Laws

The matrices on pages 54 and 55 illustrate loopholes in State laws that allow underage drinking. Although all States prohibit vendors from selling to minors:

- 23 States do not make it illegal for a minor to attempt to purchase;
- 6 States have no laws against minors who purchase alcohol;
- 2 States have no laws banning or limiting minors from possessing alcohol. Thirty-six States have exceptions, other than relating to employment, that allow minors to possess alcohol. Most commonly, minors may possess with parental permission or in private settings. Some States make it illegal only if the minors intend to consume the alcohol;
- 21 States have no laws that make consumption by minors specifically illegal, although the minor may be charged under possession laws; and
- 16 States have no laws prohibiting minors from deliberately misrepresenting their age to obtain alcohol. Nineteen States have no laws prohibiting minors from presenting false identification documents (ID). Five States have neither prohibition. Some ABC officials stated that their misrepresentation of age provisions make it illegal for minors to attempt to purchase alcohol. However, seven States have no provisions for misrepresentation of age or attempting to purchase.

States	Loopholes in State Laws			
	Sale	Attempt[2]	Purchase[3]	Possess[4]
Alabama	**21**	**21**	**21**	**21**
Alaska	**21**	**No Statute**	**21**	**21 / A,C**
Arizona	**21**	**21**	**21**	**21 / D**
Arkansas	21	No Statute	21	21
California	21	21	21	21 / B
Colorado	21	21	21	21 / B
Connecticut	**21**	**21**	**21**	**21 / A,B,C**
Delaware	**21**	**No Statute**	**No Statute**	**21 / A,D**
D.C.	**21**	**No Statute**	**No Statute**	**No Statute**
Florida	21	No Statute	No Statute	21
Georgia	21	No Statute	21	21 / A
Hawaii	21	No Statute	21	21 / B,D
Idaho	**21**	**21**	**21**	**21**
Illinois	**21**	**No Statute**	**21**	**21 / A,B,D**
Indiana	**21**	**21**	**21**	**21**
Iowa	21	No Statute	21	21 / A,C
Kansas	21	21	21	21 / A
Kentucky	21	21	21	21
Louisiana	**21**	**No Statute**	**21**	**21 / A,B,C,D**
Maine	**21**	**No Statute**	**21**	**21 / A**
Maryland	**21**	**No Statute**	**21**	**21 / A**
Massachusetts	21	21	21	21 / A
Michigan	21	No Statute	21	21 / C,E
Minnesota	21	21	21	21 / A,E
Mississippi	**21**	**No Statute**	**21**	**21 / A,B**
Missouri	**21**	**21**	**21**	**21**
Montana	**21**	**No Statute**	**No Statute**	**21 / A,C,D**
Nebraska	21	21	21	21 / B
Nevada	21	No Statute	21	21 / A,B,C,D
New Hampshire	21	No Statute	No Statute	21
New Jersey	**21**	**21**	**21**	**21**
New Mexico	**21**	**21**	**21**	**21 / A**
New York	**21**	**No Statute**	**No Statute**	**21 / A,E**
North Carolina	21	21	21	21
North Dakota	21	21	21	21 / A,D
Ohio	21	21	21	21 / A,C,D
Oklahoma	**21**	**21**	**21**	**21 / A,B,E**
Oregon	**21**	**21**	**21**	**21 / A**
Pennsylvania	**21**	**21**	**21**	**21**
Rhode Island	21	21	21	21
South Carolina	21	No Statute	21	21 / A,B,D
South Dakota	21	21	21	21 / D
Tennessee	**21**	**21**	**21**	**21**
Texas	**21**	**No Statute**	**21**	**21 / A**
Utah	**21**	**No Statute**	**21**	**21**
Vermont	21	No Statute	21	21 / E
Virginia	21	No Statute	21	21 / C
Washington	21	21	21	21 / A,C
West Virginia	**21**	**21**	**21**	**No Statute**
Wisconsin	**21**	**21**	**21**	**21 / A**
Wyoming	**21**	**21**	**21**	**21 / A,B**

[1] Sale: Prohibits vendors from selling to minors.
[2] Attempt: Prohibits or limits minors from attempting to obtain alcohol from vendors.
[3] Purchase: Prohibits or limits minors from obtaining alcohol from vendors.
[4] Possess: Prohibits minors from carrying or handling alcoholic beverages.

EXCEPTIONS TO POSSESSION LAW
A—PARENT, GUARDIAN, AND/OR SPOUSE
B—PRIVATE POSSESSION
C—MEDICINAL
D—RELIGIOUS
E—ILLEGAL TO POSSESS FOR CONSUMPTION

States	Loopholes in State Laws		
	Consume	Misrepresent Age	Present Fake ID
Alabama	**21**	**Yes**	**No Statute**
Alaska	**21**	**Yes**	**Yes**
Arizona	**21**	**No Statute**	**Yes**
Arkansas	No Statute	No Statute	No Statute
California	21	No Statute	Yes
Colorado	No Statute	Yes	No Statute
Connecticut	**No Statute**	**Yes**	**Yes**
Delaware	**21**	**Yes**	**No Statute**
D.C.	**21**	**Yes**	**No Statute**
Florida	No Statute	Yes	Yes
Georgia	No Statute	Yes	Yes
Hawaii	No Statute	No Statute	Yes
Idaho	**21**	**Yes**	**Yes**
Illinois	**21**	**Yes**	**Yes**
Indiana	**21**	**Yes**	**Yes**
Iowa	No Statute	Yes**	No Statute
Kansas	21	No Statute	No Statute
Kentucky	No Statute	Yes	Yes
Louisiana	**No Statute**	**No Statute**	**No Statute**
Maine	**21**	**No Statute**	**Yes**
Maryland	**21**	**Yes**	**No Statute**
Massachusetts	No Statute	Yes	Yes
Michigan	21	No Statute	Yes
Minnesota	21	Yes	No Statute
Mississippi	**No Statute**	**Yes**	**Yes**
Missouri	**No Statute**	**Yes**	**Yes**
Montana	**21**	**Yes**	**No Statute**
Nebraska	No Statute	Yes	Yes
Nevada	21	Yes	Yes
New Hampshire	No Statute	Yes	Yes
New Jersey	**21***	**Yes**	**No Statute**
New Mexico	**No Statute**	**No Statute**	**Yes**
New York	**21***	**No Statute**	**Yes**
North Carolina	No Statute	No Statute	Yes
North Dakota	21	Yes	Yes
Ohio	21	Yes	Yes
Oklahoma	**21**	**No Statute**	**Yes**
Oregon	**No Statute**	**Yes**	**No Statute**
Pennsylvania	**21**	**Yes**	**No Statute**
Rhode Island	21*	Yes	Yes
South Carolina	No Statute	Yes	No Statute
South Dakota	21	No Statute	Yes
Tennessee	**21**	**Yes**	**Yes**
Texas	**21**	**Yes**	**Yes**
Utah	**21**	**Yes**	**No Statute**
Vermont	21	Yes	Yes
Virginia	No Statute	No Statute	No Statute
Washington	21	No Statute	No Statute
West Virginia	**No Statute**	**Yes**	**Yes**
Wisconsin	**21**	**Yes**	**No Statute**
Wyoming	**No Statute**	**No Statute**	**Yes**

*Illegal to consume in licensed establishment.
**Only pertains to persons under 19 years of age.
Consume: Prohibits or limits minors from actually drinking alcoholic beverages.
Misrepresent Age: Prohibits minors from misrepresenting their (not limited to false ID) for the purposes of obtaining alcohol.
Present False ID: Prohibits minors from presenting false ID to obtain alcohol.

Penalties Against Vendors Who Sell Alcohol to Minors

As shown on the matrix on the following page, vendors face various criminal and administrative penalties if they are caught selling alcohol to a minor. Criminal penalties result from violating State criminal codes and local ordinances. Administrative penalties result from violating State and/or local license requirements.

All States allow vendors and their employees to be charged criminally if convicted of selling alcohol to a minor. These fines range from $50 to $10,000 and/or 5 years in jail.

Most States also allow ABCs to levy administrative penalties against vendors. For the first offense, these penalties range from a $50 fine to a $5,000 fine or a

6-month license suspension. Iowa does not levy administrative penalties against vendors who sell to 19- or 20-year-olds.

As discussed in the OIG report "Youth and Alcohol: Laws and Enforcement—Is the 21-Year-Old Drinking Age a Myth?", State officials acknowledged that enforcement difficulties, lenient courts, and the availability of optional, alternative vendor penalties limits the overall effectiveness of strict laws and penalty provisions.

States	Penalties Against Vendors			
	Criminal		Administrative	
	Fine	Jail****	Fine	Suspend Revoke
Alabama	$500		Max $1000	Either
Alaska	Max $5000	12 Mos		Suspend
Arizona	Max $2500	6 Mos	$200–$300*	Either
Arkansas	$200–$500			
California	Min $250			
Colorado	Max $5000	12 Mos	In lieu of*	Suspend
Connecticut	Max $1500	18 Mos		Suspend
Delaware	Max $100			
D.C.	Max $1000	12 Mos	$1000–$2000	Suspend
Florida	$500	2 Mos	Yes	Either
Georgia	Max $1000	12 Mos		
Hawaii	Max $1000	6 Mos	Yes	Either
Idaho	$100–$300	1–6 Mos	In lieu of*	Either
Illinois	Max $1000	12 Mos		
Indiana	Max	2 Mos	Yes	Suspend
Iowa	$100–$1000/$50***	12 Mos/None***	$300/None***	Either/None***
Kansas	Min $200		Yes	Either
Kentucky	$100–$200	6 Mos		
Louisiana	Max $300/$50**	6 Mos/None**	$50–$500*/None**	Suspend/None**
Maine	Max $500		$50–$1500*	Either
Maryland	Max $1000	24 Mos	Max $2000	Suspend
Massachusetts	Max $2000	6 Mos		Either
Michigan	Max $500	6 Mos		
Minnesota	Max $3000	12 Mos	Max $2000	Either
Mississippi	$500–$1000			EitherMis-
Missouri	$50–$1000	12 Mos		Either
Montana	Max $500	6 Mos	Max $1500	Either
Nebraska	Max $1000	12 Mos	In lieu of*	Either
Nevada	Max $1000	6 Mos		
New Hampshire	Max $1000	12 Mos	$100–$5000	Either
New Jersey	$100–$1000	1–3 Mos		Either
New Mexico	Max $500	6 Mos	Yes	Either
New York				
North Carolina	Fine	24 Mos	Max $5000*	Either
North Dakota	Max $1000	12 Mos		
Ohio	Max $1000	6 Mos	In lieu of*	Either
Oklahoma	$2500 to $5000	60 Mos		Revoke
Oregon	Min $350		$455	Suspend
Pennsylvania	Max $1000		$1000–$5000	Either
Rhode Island	$250		Max $500	Either
South Carolina	$100–200	1–2 Mos	$25–$1000	Either
South Dakota	Max $1000/$100**	12 Mos/1 Mo**		
Tennessee	Max $2500	11 Mos, 29 Days		
Texas	$100–$500	12 Mos	In lieu of*	Either
Utah	Max $2500	12 Mos		Either
Vermont	$200–$1000	24 Mos	Max $250**	Either
Virginia	Max $2500	12 Mos		Either
Washington	Max $1000	60 Mos		Either
West Virginia			Max $1000	Either
Wisconsin	Max $500			Either
Wyoming	Max $750	6 Mos		Either

Blank spaces indicate that penalties exist but are not specified in CCH'S laws and regulations.

*Fines, specified or unspecified, may be paid in lieu of suspension.

**Penalties listed are for selling to persons 17 and under/18 to 20 years old.

***Penalties listed are for selling to persons 18 and under/19 to 20 years old.

****Jail terms listed are the maximum allowable.

Penalties Aganist Minors

The following six matrices describe the penalties against minors who violate alcohol laws concerning:

(1) Attempt to purchase. Penalties against minors who attempt to purchase alcohol from vendors range from a $10 fine to a $1,000 fine with a 1-year jail term.

(2) Purchase. Penalties against minors who purchase alcohol from vendors range from a $15 fine to a $5,000 fine with a 1-year jail term.

(3) Possession. Penalties against minors who are caught illegally carrying or handling alcoholic beverages range from a $15 fine to a $5,000 fine with a 1-year jail term.

(4) Consumption. Penalties against minors caught drinking alcoholic beverages range from a $25 fine to a $5,000 fine with a 1-year jail term.

(5) Misrepresentation of age. Penalties against minors who represent themselves as being of legal drinking age range from a $25 fine to a $5,000 fine with a 1-year jail term.

(6) False Identification. Penalties against minors who use false ID to obtain alcohol range from a $25 fine to a $5,000 fine with a 1-year jail term.

States	Penalties Against Minors Who Attempt to Purchase***		
	Class	Fine	Jail Term
Alabama	Misdemeanor	$50–$500	Max 3 Mos
Alaska	No Statute	No Statute	No Statute
Arizona	Class 3—Misd	Max $500	Max 30 Days
Arkansas	No Statute	No Statute	No Statute
California	Infraction	Max $100	
Colorado	Petty Off/Misd*	$25–$100/$250–$1000*	None/3–12 Mos*
Connecticut		$200–$500	
Delaware	No Statute	No Statute	No Statute
D.C.	No Statute	No Statute	No Statute
Florida	No Statute	No Statute	No Statute
Georgia	No Statute	No Statute	No Statute
Hawaii	No Statute	No Statute	No Statute
Idaho	Misdemeanor	Max $100	
Illinois	No Statute	No Statute	No Statute
Indiana	Class C–Infrac	Max $500	No Statute
Iowa	No Statute	No Statute	No Statute
Kansas	JUV Class C—Misd**	$100–$500/$100–$500**	None/Max 1 Month**
Kentucky		$10–$100	
Louisiana	No Statute	No Statute	No Statute
Maine	No Statute	No Statute	No Statute
Maryland	No Statute	No Statute	No Statute
Massachusetts		$300	
Michigan	No Statute	No Statute	No Statute
Minnesota	Misdemeanor	Max $700	Max 90 Days
Mississippi	No Statute	No Statute	No Statute
Missouri	Misdemeanor	$50–$1000	Max 1 Year
Montana	No Statute	No Statute	No Statute
Nebraska	Class III–Misd	Max $500	Max 3 Mos
Nevada	No Statute	No Statute	No Statute
New Hampshire	No Statute	No Statute	No Statute
New Jersey	Disorderly Person	$100–$1000	Max 6 Mos
New Mexico	Petty Misd	Max $500	Max 6 Mos
New York	No Statute	No Statute	No Statute
North Carolina	Misd Infraction*	Unspecified $25*	Max 2 Years/None*
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	Max $1000	Max 6 Mos
Oklahoma	Misdemeanor	Max $100	
Oregon	Violation	Max $250	
Pennsylvania		$25–$100	Max 30 Days
Rhode Island		$100	
South Carolina	No Statute	No Statute	No Statute
South Dakota	Class 2—Misd	Max $200	Max 30 Days
Tennessee	Misdemeanor	$250–$500	30 Days–6 Mos
Texas	No Statute	No Statute	No Statute
Utah	No Statute	No Statute	No Statute
Vermont	No Statute	No Statute	No Statute
Virginia	No Statute	No Statute	No Statute
Washington	Misdemeanor	$250–$1000	Max 90 Days
West Virginia	Misdemeanor	Max $50	Max 72 Hrs
Wisconsin		$250–$500	
Wyoming	Misdemeanor	Max $750	Max 6 Mos

Blank spaces indicate that information is not specified in CCH S laws and regulations.
Separate provisions exist for persons under 19/19 to 20.
Separate provisions exist for persons under 18/18 to 20. JUV-Juvenile offense.
Attempt to Purchase: Prohibits or limits minors attempting to obtain alcohol from vendors.

States	Penalties Against Minors Who Purchase***		
	Class	Fine	Jail Term
Alabama	Misdemeanor	$50–$500	Max 3 Mos
Alaska	Class A—Misd	Max $5000	Max 1 Year
Arizona	Class 1—Misd	Max $2500	Max 6 Mos
Arkansas		$10–$250	
California	Misdemeanor	$250–$1000	Max 6 Mos
Colorado	Petty Off Misd*	$25–$100 $250–$1000*	None 3–12 Mos*
Connecticut		$200–$500	
Delaware	No Statute	No Statute	No Statute
D.C.	No Statute	No Statute	No Statute
Florida	No Statute	No Statute	No Statute
Georgia	Misdemeanor	Max $300	Max 30 Days
Hawaii	Petty Misd	Max $1000	Max 30 Days
Idaho	Misdemeanor	Max $100	
Illinois	Class C–Misd	Max $500	Max 30 Days
Indiana	Class C–Infrac	Max $500	
Iowa	Misd Violation*	$100 $15*	Max 1 Month None*
Kansas	JUV Class C—Misd**	$100–$500 $100–$500**	None Max 1 Month**
Kentucky		$10–$100	
Louisiana		Max $300	Max 2 Years
Maine	Civil Violation	$100–$300	
Maryland	Misdemeanor	Max $1000	No Statute
Massachusetts		$300	
Michigan		Max $25	
Minnesota	Misdemeanor	Max $700	Max 90 Days
Mississippi	Misdemeanor	Max $100	
Missouri	Misdemeanor	$50–$1000	Max 1 Year
Montana	No Statute	No Statute	No Statute
Nebraska	Class III–Misd	Max $500	Max 3 Mos
Nevada	Misdemeanor	Max $1000	Max 6 Mos
New Hampshire	No Statute	No Statute	No Statute
New Jersey	Disorderly Person	$100–$1000	Max 6 Mos
New Mexico	Petty Misd	Max $500	Max 6 Mos
New York	No Statute	No Statute	No Statute
North Carolina	Misd Infraction*	Unspecified $25*	Max 2 Years None*
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	Max $1000	Max 6 Mos
Oklahoma	Misdemeanor	Max $100	
Oregon	Violation	Max $250	
Pennsylvania		$25–$100	Max 30 Days
Rhode Island		$100	
South Carolina	Misdemeanor	$100–$200	Max 30 Days
South Dakota	Class 2—Misd	Max $200	Max 30 Days
Tennessee	Class A—Misd	Max $2500	Max 11 Mos, 29 Days
Texas	Misdemeanor	$25–$200	
Utah	Class B—Misd	Max $1000	Max 6 Mos
Vermont		Max $500	Max 30 Days
Virginia	Class 1—Misd	Max $2500	Max 12 Mos
Washington	Misdemeanor	$250–$1000	Max 90 Days
West Virginia	Misdemeanor	Max $50	Max 72 Hrs
Wisconsin		$250–$500	
Wyoming	Misdemeanor	Max $750	Max 6 Mos

Blank spaces indicate that information is not specified in CCH S laws and regulations.
* Separate provisions exist for persons under 19 19 to 20.
** Separate provisions exist for persons under 18 18 to 20.
*** Purchase: Prohibits or limits minors from obtaining alcohol from vendors.

States	Penalties Against Minors Who Possess		
	Class	Fine	Jail Term
Alabama	Misdemeanor	$50–$500	Max 3 Mos
Alaska	Class A—Misd	Max $5000	Max 1 Year
Arizona	Class 1—Misd	Max $2500	Max 6 Mos
Arkansas		$10–$250	
California	Misdemeanor	$1000	Max 6 Mos
Colorado	Petty Off/Misd*	$25–$100/$250–$1000*	None/3–12 Mos*
Connecticut		$200–$500	
Delaware		$100	
D.C.	No Statute	No Statute	No Statute
Florida	2nd Degree Misd	Max $500	Max 60 Days
Georgia	Misdemeanor	Max $300	Max 30 Days
Hawaii	Petty Misd	Max $1000	Max 30 Days
Idaho	Misdemeanor	Max $100	
Illinois	Class B–Misd	Max $500	Max 6 Mos
Indiana	Class C–Misd	Max $500	Max 60 Days
Iowa	Misd Violation*	$100/$15*	Max 30 Days/None*
Kansas	JUV/Class C—Misd**	$100–$500/$100–$500**	None/Max 1 Month**
Kentucky		$10–$100	
Louisiana		Max $50	
Maine	Civil Violation	$100–$300	
Maryland	Misdemeanor	Max $1000	Max 2 Years
Massachusetts		Max $50	
Michigan		Max $25	
Minnesota	Misdemeanor	Max $700	Max 90 Days
Mississippi	Misdemeanor	Max $100	
Missouri	Misdemeanor	$50–$1000	Max 1 Year
Montana		Max $50	
Nebraska	Class III–Misd	Max $500	Max 3 Mos
Nevada	Misdemeanor	Max $1000	Max 6 Mos
New Hampshire	Violation	$50–$500	
New Jersey	Disorderly Person	$100–$1000	Max 6 Mos
New Mexico	Petty Misd	Max $500	Max 6 Mos
New York		Max $50	
North Carolina	Misd Infraction*	Unspecified/$25*	Max 2 Years/None*
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	Max $1000	Max 6 Mos
Oklahoma	Misdemeanor	Max $100	Max 30 Days
Oregon	Violation	Max $250	
Pennsylvania		$25–$100	Max 30 Days
Rhode Island		$100–$500	
South Carolina	Misdemeanor	$100–$200	Max 30 Days
South Dakota	Class 2—Misd	Max $200	Max 30 Days
Tennessee	Class A—Misd	Max $2500	Max 11 Mos, 29 Days
Texas	Misdemeanor	$25–$200	
Utah	Class B—Misd	Max $1000	Max 6 Mos
Vermont		Max $500	Max 30 Days
Virginia	Class 1—Misd	Max $2500	Max 12 Mos
Washington	Misdemeanor	$250–$1000	Max 90 Days
West Virginia	No Statute	No Statute	No Statute
Wisconsin		$100–$200	
Wyoming	Misdemeanor	Max $750	Max 6 Mos

Blank spaces indicate that information is not specified in CCH S laws and regulations.
* Separate provisions exist for persons under 19/19 to 20.
** Separate provisions exist for persons under 18/18 to 20. JUV-Juvenile offense.
Possess: Prohibits minors from carrying or handling alcoholic beverages.

States	Penalties Against Minors Who Consume**		
	Class	Fine	Jail Term
Alabama	Misdemeanor	$50–$500	Max 3 Mos
Alaska	Class A—Misd	Max $5000	Max 1 Year
Arizona	Class 1—Misd	Max $2500	Max 6 Mos
Arkansas	No Statute	No Statute	No Statute
California	Misdemeanor	$250–$1000	Max 6 Mos
Colorado	No Statute	No Statute	No Statute
Connecticut	No Statute	No Statute	No Statute
Delaware		$100	
D.C.		Max $1000	Max 1 Year
Florida	No Statute	No Statute	No Statute
Georgia	No Statute	No Statute	No Statute
Hawaii	No Statute	No Statute	No Statute
Idaho	Misdemeanor	Max $100	
Illinois	Class C–Misd	Max $500	Max 30 Days
Indiana	Class C–Misd	Max $500	Max 60 Days
Iowa	No Statute	No Statute	No Statute
Kansas	JUV Class C—Misd**	$100–$500/$100–$500**	None/Max 1 Month**
Kentucky	No Statute	No Statute	No Statute
Louisiana	No Statute	No Statute	No Statute
Maine	Civil Violation	$100–$300	
Maryland	Misdemeanor	Max $1000	Max 2 Years
Massachusetts	No Statute	No Statute	No Statute
Michigan		Max $25	
Minnesota	Misdemeanor	Max $700	Max 90 Days
Mississippi	No Statute	No Statute	No Statute
Missouri	No Statute	No Statute	No Statute
Montana		Max $50	
Nebraska	No Statute	No Statute	No Statute
Nevada	Misdemeanor	Max $1000	Max 6 Mos
New Hampshire	No Statute	No Statute	No Statute
New Jersey	Disorderly Person	$100–$1000	Max 6 Mos
New Mexico	No Statute	No Statute	No Statute
New York		Max $50	
North Carolina	No Statute	No Statute	No Statute
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	Max $1000	Max 6 Mos
Oklahoma	Misdemeanor	Max $100	
Oregon	No Statute	No Statute	No Statute
Pennsylvania		$25–$100	Max 30 Days
Rhode Island		$100	
South Carolina	No Statute	No Statute	No Statute
South Dakota	Class 2—Misd	Max $200	Max 30 Days
Tennessee	Class A—Misd	Max $2500	Max 11 Mos. 29 Days
Texas	Misdemeanor	$25–$200	
Utah	Class B—Misd	Max $1000	Max 6 Mos
Vermont		Max $500	Max 30 Days
Virginia	No Statute	No Statute	No Statute
Washington	Misdemeanor	Max $500	Max 2 Mos
West Virginia	No Statute	No Statute	No Statute
Wisconsin		$1000–$200	
Wyoming	No Statute	No Statute	No Statute

Blank spaces indicate that information is not specified in CCH S laws and regulations.
Separate provisions exist for persons under 18 18 to 20.
Consume: Prohibits or limits minors from actually drinking alcoholic beverages

States	Penalties Against Minors Who Misrepresent Their Age**		
	Class	Fine	Jail Term
Alabama	Misdemeanor	Max $500	Max 6 Mos
Alaska	Class A—Misd	Max $5000	Max 1 Year
Arizona	No Statute	No Statute	No Statute
Arkansas	No Statute	No Statute	No Statute
California	No Statute	No Statute	No Statute
Colorado	Class 2—Misd	$250–$1000	3–12 Mos
Connecticut		$200–$500	
Delaware		$100–$500	
D.C.	Misdemeanor	Max $25	
Florida	2nd Degree—Misd	Max $500	Max 60 Days
Georgia	Misdemeanor	Max $1000	Max 12 Mos
Hawaii	No Statute	No Statute	No Statute
Idaho	Misdemeanor	Max $100–$300	30 Days–6 Mos
Illinois	Class A–Misd	Max $1000	Max 1 Year
Indiana	Class C–Infrac	Max $500	
Iowa	Simple Misd*	Max $100*	Max 30 Days*
Kansas	No Statute	No Statute	No Statute
Kentucky		$10–$100	
Louisiana	No Statute	No Statute	No Statute
Maine	No Statute	No Statute	No Statute
Maryland	Civil Offense	Max $500	
Massachusetts		$300	
Michigan	No Statute	No Statute	No Statute
Minnesota	Misdemeanor	Max $700	Max 90 Days
Mississippi	Misdemeanor	Max $200	
Missouri	Misdemeanor	$50–$1000	Max 1 Year
Montana		Max $50	
Nebraska	Class III–Misd	Max $500	Max 3 Mos
Nevada	Misdemeanor	Max $1000	Max 6 Mos
New Hampshire	Misdemeanor	$250–$1000	Max 1 Year
New Jersey	Disorderly Person	$100–$1000	Max 6 Mos
New Mexico	No Statute	No Statute	No Statute
New York	No Statute	No Statute	No Statute
North Carolina	No Statute	No Statute	No Statute
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	$250–$1000	Max 6 Mos
Oklahoma	No Statute	No Statute	No Statute
Oregon	Class C—Misd	Max $500	Max 30 Days
Pennsylvania	Summary Offense	Max $300	Max 90 Days
Rhode Island		$100	
South Carolina	Misdemeanor	$100–$200	Max 30 Days
South Dakota	No Statute	No Statute	No Statute
Tennessee	Class A—Misd	Max $2500	Max 11 Mos, 29 Days
Texas	Misdemeanor	$25–$200	
Utah	Class B—Misd	Max $1000	Max 6 Mos
Vermont		Max $500	Max 30 Days
Virginia	No Statute	No Statute	No Statute
Washington	No Statute	No Statute	No Statute
West Virginia	Misdemeanor	Max $50	Max 72 Hrs
Wisconsin		$250–$500	
Wyoming	No Statute	No Statute	No Statute

Statute pertains to persons 18 and under only.
Misrepresent age: Prohibit minors from misrepresenting their age (not limited to false ID) for the purposes of obtaining alcohol.

States	Penalties Against Minors Who Present False Indentification*		
	Class	Fine	Jail Term
Alabama	No Statute	No Statute	No Statute
Alaska	Class A—Misd	Max $5000	Max 1 Year
Arizona	Class 1—Misd	Max $2500	Max 6 Mos
Arkansas	No Statute	No Statute	No Statute
California	Misdemeanor	$250–$1000	Max 6 Mos
Colorado	No Statute	No Statute	No Statute
Connecticut		$200–$500	
Delaware	No Statute	No Statute	No Statute
D.C.	No Statute	No Statute	No Statute
Florida	2nd Degree—Misd	Max $500	Max 60 Days
Georgia	Misdemeanor	Max $1000	Max 12 Mos
Hawaii	Petty Misd	Max $1000	Max 30 Days
Idaho	No Statute	No Statute	No Statute
Illinois	Class B–Misd	Max $500	Max 6 Mos
Indiana	Class C–Infrac	Max $500	
Iowa	No Statute	No Statute	No Statute
Kansas	No Statute	No Statute	No Statute
Kentucky		$50–$500	
Louisiana	No Statute	No Statute	No Statute
Maine	Class E Crime	Max $500	Max 6 Mos
Maryland	No Statute	No Statute	No Statute
Massachusetts		$300	
Michigan	Misdemeanor	Max $100	Max 90 Days
Minnesota	No Statute	No Statute	No Statute
Mississippi	Misdemeanor	$25–$500	
Missouri	Misdemeanor	$500	
Montana	No Statute	No Statute	No Statute
Nebraska	Class III–Misd	Max $500	Max 3 Mos
Nevada	Misdemeanor	Max $1000	Max 6 Mos
New Hampshire	Misdemeanor	$250–$1000	Max 1 Year
New Jersey	No Statute	No Statute	No Statute
New Mexico	Petty Misd	Max $500	Max 6 Mos
New York	Violation	Max $100	
North Carolina	Misd Infraction*	Unspecified	Max 2 Years
North Dakota	Class B—Misd	Max $500	Max 30 Days
Ohio	1st Degree—Misd	$250–$1000	Max 6 Mos
Oklahoma	Misdemeanor	Max $50	
Oregon	Class A—Misd	Max $2500	Max 1 Year
Pennsylvania	No Statute	No Statute	No Statute
Rhode Island	Misdemeanor	Max $200	Max 3 Mos
South Carolina	No Statute	No Statute	No Statute
South Dakota	Class 2—Misd	Max $200	Max 30 Days
Tennessee	Class A—Misd	Max $2500	Max 11 Mos, 29 Days
Texas	Misdemeanor	$25–$200	
Utah	No Statute	No Statute	No Statute
Vermont	Misdemeanor	$50	
Virginia	No Statute	No Statute	No Statute
Washington	No Statute	No Statute	No Statute
West Virginia	Misdemeanor	Max $50	Max 72 Hrs
Wisconsin	No Statute	No Statute	No Statute
Wyoming	Misdemeanor	Max $750	Max 6 Mos

*Present false identification: Prohibits minors from presenting false ID to obtain alcohol.

Controlling Alcohol Sale and Distribution

The following matrix describes States' general administrative structures.

Each State is responsible for the licensing and/or control of the alcoholic beverage distribution. Eighteen "control" States have partial or total responsibility for the distribution and sale of alcohol. These States are often identified by the existence of State-run liquor stores. Thirty-three "license" States issue permits or licenses to individuals or companies to control the distribution and sale of alcohol.

Thirty-nine States have "local option" provisions. These allow communities to ban or otherwise limit alcohol sale and distribution.

States require vendors to obtain State and/or local licenses. Generally, licenses are renewed on an annual basis after a renewal fee is paid and other requirements are met. As of July 1991, there were approximately 560,000 retail licenses issued in the United States.

States	Controlling Alcohol Sale and Distribution		
	Control/License	Local Option*	Issuing Licenses
Alabama	Control	Yes	State
Alaska	License	Yes	State
Arizona	License	No	State
Arkansas	License	Yes	State
California	License	No	State
Colorado	License	Yes	State/Local
Connecticut	License	Yes	State
Delaware	License	Yes	State
D.C.	License	No	State
Florida	License	Yes	State
Georgia	License	Yes	State/Local
Hawaii	License	No	County
Idaho	Control	Yes	State/Local
Illinois	License	Yes	State/Local
Indiana	License	No	State
Iowa	Control	No	State
Kansas	License	Yes	State
Kentucky	License	Yes	State/Local
Louisiana	License	Yes	State/Local
Maine	Control	Yes	State
Maryland	License	No	State/Local
Massachusetts	License	Yes	State/Local
Michigan	Control	Yes	State
Minnesota	License	Yes	Local
Mississippi	Control	Yes	State
Missouri	License	Yes	State/Local
Montana	Control	Yes	State
Nebraska	License	Yes	State
Nevada	License	No	Local
New Hampshire	Control	Yes	State
New Jersey	License	Yes	State/Local
New Mexico	License	Yes	State
New York	License	Yes	State
North Carolina	Control	Yes	State/Local
North Dakota	License	No	State/Local
Ohio	Control	Yes	State
Oklahoma	License	No	State
Oregon	Control	Yes	State
Pennsylvania	Control	Yes	State
Rhode Island	License	Yes	City
South Carolina	License	No	State
South Dakota	License	Yes	State
Tennessee	License	Yes	State*
Texas	License	Yes	State
Utah	Control	No	State/Local
Vermont	Control	Yes	State/Local
Virginia	Control	Yes	State
Washington	Control	Yes	State
West Virginia	Control	Yes	State
Wisconsin	License	Yes	Local
Wyoming	Control	Yes	State/Local

Control: States are partially or totally responsible for the distribution and sale of alcohol.
License: States issue licenses or permits to individuals or corporations to sell alcohol.
Local Option: Allows local governments to enact laws to limit the distribution and sale of alcohol.

Employment of and Sales by Minors

States regulate how old a person must be to sell alcohol and to be employed by a vendor in general.

The matrix on the following page shows that 44 States allow minors to sell and/or serve alcohol without adult supervision. All States allow minors to work in some capacity for licensed establishments.

State laws allowing minors to sell or serve alcohol may result in easier youth access to alcohol. According to an OIG survey of junior and senior high school students, more than 3.5 million students purchase alcohol from stores with young clerks, and almost 3 million students purchase alcohol from stores where they know the clerk.

States	Employment of and Sales By Minors	
	Minimum Age to Sell Without Supervision	Minimum Age to be Employed by Licensee
Alabama	Not Allowed	16
Alaska	Not Allowed	16
Arizona	19	16
Arkansas	18	18
California	18	18
Colorado	18	Under 18
Connecticut	18	16
Delaware	19	16
D.C.	18	18
Florida	18	17
Georgia	18	18
Hawaii	Not Allowed	16
Idaho	19	19
Illinois	18	18
Indiana	18	18
Iowa	18	16
Kansas	Not Allowed	18
Kentucky	20	18
Louisiana	17	17
Maine	18	17
Maryland	18	18
Massachusetts	18	18
Michigan	18	16
Minnesota	18	18
Mississippi	Under 21	Under 21
Missouri	18	18
Montana	18	18
Nebraska	19	16
Nevada	18	16
New Hampshire	18	15
New Jersey	18	16
New Mexico	18	18
New York	18	18
North Carolina	18	16
North Dakota	Not Allowed	19
Ohio	18	18
Oklahoma	No Age Limit	18
Oregon	18	18
Pennsylvania	18	16
Rhode Island	18	18
South Carolina	18	18
South Dakota	18	18
Tennessee	18	18
Texas	18	16
Utah	Not Allowed	Under 21
Vermont	18	16
Virginia	18	18
Washington	Not Allowed	18
West Virginia	18	16
Wisconsin	18	14
Wyoming	18	18

Dram Shop and Social Host Laws

Dram shop and social host laws define the circumstances under which an alcohol vendor or other provider may be held liable for providing alcohol to minors.

State ABC officials believe that the threat of costly litigation deters vendors from selling alcohol to minors. However, the matrix on the following page shows that only 23 States specifically allow lawsuits against alcohol vendors who sell to minors. One State, South Dakota, clearly prohibits such lawsuits.

Nine States specifically permit lawsuits against other persons, such as social hosts (for example, party hosts or parents who allow minors to drink in their homes) who give alcohol to minors. Three States prohibit such lawsuits.

In 1985, the Federal Government funded the development of a model dram shop law. This model law allows lawsuits for damages resulting from sale of alcohol to minors. New Hampshire, Maine, and Rhode Island are the only States that have adopted the portion of this model law that concerns minors.

States	Dram Shop and Social Host Laws	
	Dram Shop Laws	Social Host Laws*
Alabama	Allows	Allows
Alaska	Allows	Prohibits
Arizona	Allows	Unclear
Arkansas	Nothing Specific to Minors	Nothing Specific to Minors
California	Allows with Limitations†	Prohibits
Colorado	Allows	Allows
Connecticut	Nothing Specific to Minors	Nothing Specific to Minors
Delaware	Nothing Specific to Minors	Nothing Specific to Minors
D.C.	Nothing Specific to Minors	Nothing Specific to Minors
Florida	Allows	Unclear
Georgia	Allows with Limitations††	Limited†
Hawaii	Nothing Specific to Minors	Nothing Specific to Minors
Idaho	Allows	Allows
Illinois	Unclear	Unclear
Indiana	Nothing Specific to Minors	Nothing Specific to Minors
Iowa	Nothing Specific to Minors	Nothing Specific to Minors
Kansas	Nothing Specific to Minors	Nothing Specific to Minors
Kentucky	Nothing Specific to Minors	Nothing Specific to Minors
Louisiana	Nothing Specific to Minors	Nothing Specific to Minors
Maine	Allows	Nothing Specific to Minors
Maryland	Nothing Specific to Minors	Nothing Specific to Minors
Massachusetts	Nothing Specific to Minors	Nothing Specific to Minors
Michigan	Allows	Allows
Minnesota	Allows	Nothing Specific to Minors
Mississippi	Nothing Specific to Minors	Nothing Specific to Minors
Missouri	Allows	Nothing Specific to Minors
Montana	Allows	Allows
Nebraska	Nothing Specific to Minors	Nothing Specific to Minors
Nevada	Nothing Specific to Minors	Nothing Specific to Minors
New Hampshire	Allows	Nothing Specific to Minors
New Jersey	Allows	Nothing Specific to Minors
New Mexico	Allows	Allows with Limitations†††
New York	Allows	Allows
North Carolina	Allows	Nothing Specific to Minors
North Dakota	Allows	Allows
Ohio	Allows	Nothing Specific to Minors
Oklahoma	Nothing Specific to Minors	Nothing Specific to Minors
Oregon	Nothing Specific to Minors	Nothing Specific to Minors
Pennsylvania	Nothing Specific to Minors	Nothing Specific to Minors
Rhode Island	Allows	Allows with Limitations†††
South Carolina	Nothing Specific to Minors	Nothing Specific to Minors
South Dakota	Prohibits	Prohibits
Tennessee	Allows	Unclear
Texas	Nothing Specific to Minors	Nothing Specific to Minors
Utah	Allows	Allows
Vermont	Allows	Nothing Specific to Minors
Virginia	Nothing Specific to Minors	Nothing Specific to Minors
Washington	Nothing Specific to Minors	Nothing Specific to Minors
West Virginia	Nothing Specific to Minors	Nothing Specific to Minors
Wisconsin	Allows	Allows
Wyoming	Nothing Specific to Minors	Nothing Specific to Minors

† Visibly intoxicated minor
†† Knowing such person shall soon be driving
††† Alcohol provided "recklessly"
* Dram Shop Laws: Allows or prohibits lawsuits against vendors for damages caused by intoxicated minor
Social Host Laws: Allows or prohibits lawsuits against a person who gives alcohol to a minor

Laws Prohibiting Adults From Aiding Minors

The matrix on page 72 shows that most States have laws designed to prohibit adults from helping minors obtain alcohol. Most commonly, States prohibit adults from buying for, selling to, or giving to minors. Some States only prohibit misrepresenting the age of a minor or aiding and assisting a minor in purchasing and consuming alcoholic beverages. A few States make it illegal to perform specific acts, such as transporting or possessing alcohol in a car with the intent to sell to a minor.

States	Acts Prohibited by Adults on Behalf of Minors
Alabama	
Alaska	Misrepresent Age of Minor
Arizona	Misrepresent Age of Minor, Order or Receive
Arkansas	Purchase
California	Sell or Give
Colorado	Sell or Give
Connecticut	Deliver or Give
Delaware	Purchase, Buy or Give
D.C.	Misrepresent Age of Minor
Florida	Sell, Give, or Serve
Georgia	Purchase or Acquire
Hawaii	Purchase for Consumption
Idaho	Sell or Give
Illinois	Purchase or Obtain
Indiana	Encourage, Aid or Induce Minor to Possess
Iowa	Sell, Give or Supply
Kansas	Sell, Buy, Give or Furnish
Kentucky	Aid or Assist in Purchase, Deliver or Service
Louisiana	Purchase
Maine	Procure, Aid or Assist in Procurement
Maryland	Obtain for Consumption
Massachusetts	Deliver or Purchase in Licensed Establishment
Michigan	Sell or Furnish
Minnesota	
Mississippi	Sell or Furnish
Missouri	Sell or Give
Montana	Misrepresent Age of Minor
Nebraska	Sell or Give
Nevada	Sell or Give
New Hampshire	Sell or Give
New Jersey	Serve, Offer or Make Available
New Mexico	Buy, Sell, Aid, Assist or Deliver
New York	Misrepresent Age of Minor
North Carolina	Sell or Give
North Dakota	Deliver
Ohio	Misrepresent Age of Minor
Oklahoma	Sell, Furnish or Give
Oregon	Sell or Give
Pennsylvania	Sell, Give or Furnish
Rhode Island	Purchase for, or Encourage or Aid in Breaking Law
South Carolina	Purchase for, or Transfer or Give
South Dakota	Sell or Give
Tennessee	Purchase
Texas	Purchase, Give or Make Available
Utah	
Vermont	Sell or Furnish
Virginia	Sell
Washington	Sell, Give or Supply on Premises
West Virginia	Sell or Give in Retail Store
Wisconsin	Procure for, or Sell or Give
Wyoming	Transport or Possess with Intent to Sell to Minor

Creative Methods to Enforce Laws and Penalize Offenders

The following matrix illustrates which States have undertaken creative methods to enforce and prosecute youth alcohol offenses:

- **Mandatory driver's license suspension.** Twenty-eight States delay, suspend, or revoke youth drivers' licenses for alcohol-related violations. Some States take action for any alcohol violation, while others do so for specific violations only. The suspension varies from several days to several years, depending on the State, the violation, and the minor's record. Officials from States with this option argue that traditional, statutory penalties do not deter youth and "the one thing that a minor cares about is his driver's license."

- **Allowing vendors to require purchases to sign an affidavit (a legal document) swearing that he or she is 21.** Eleven States have this affidavit option. The affidavit explains the penalties against minors who attempt to purchase alcohol or misrepresent their age. Vendors support this because the affidavit serves as proof that the minor misrepresented his or her age.

- **Mandatory server training.** Eleven States mandate that all alcohol servers and sellers undergo training regarding State alcohol control laws, regulations, and penalties, their civil liability for selling to a minor, how to identify an underage drinker, and how to determine whether an identification card is genuine. Forty-seven of 51 State officials believe that increasing server training would be effective in preventing minors from obtaining and consuming alcohol.

- **Prohibiting advertising that appeals to youth.** Seventeen States have laws that generally prohibit advertising that appeals to youth.

States	Creative Methods to Enforce Alcohol Laws			
	Suspend License[1]	Affidavit[2]	Train Vendor[3]	Advertise[4]
Alabama			**Yes**	**Yes**
Alaska		**Yes**	**Yes**	
Arizona	**False ID**		**Yes**	
Arkansas	DWI		Yes	
California	Yes			Yes
Colorado	Yes			
Connecticut				
Delaware	**Yes**			**Yes**
D.C.				**Yes**
Florida	Yes		Yes	
Georgia	DWI			
Hawaii			Yes	
Idaho				
Illinois				**Yes**
Indiana	**Yes**	**Yes**		
Iowa	DWI			Yes
Kansas				
Kentucky				
Louisiana				
Maine	**ALC in Car**			**Yes**
Maryland	**Yes**	**Yes**	**Yes**	
Massachusetts	Yes			
Michigan	False ID			
Minnesota				Yes
Mississippi				
Missouri				
Montana	**Yes**			
Nebraska		Yes		
Nevada				
New Hampshire	ALC in Car			Yes
New Jersey	**Yes**	**Yes**		**Yes**
New Mexico	**Court's Disc**			
New York	**False ID**			
North Carolina	Yes			Yes
North Dakota		Yes		
Ohio	False ID			
Oklahoma	**Yes**			
Oregon	**Yes**	**Yes**	**Yes**	**Yes**
Pennsylvania	**Yes**	**Yes**		
Rhode Island	ALC in Car	Yes		
South Carolina	Yes			
South Dakota				
Tennessee				
Texas				
Utah		**Yes**	**Yes**	**Yes**
Vermont			Yes	Yes
Virginia	Yes			Yes
Washington	Yes	Yes		Yes
West Virginia				**Yes**
Wisconsin	**Yes**		**Yes**	
Wyoming				

[1] Suspend License: States allow for suspension of minor's drivers license for violations of alcohol control laws.
[2] Affidavit: Requires a suspected minor to sign an affidavit stating that he or she is over 21.
[3] Train Vendor: Vendors and their employees are informed of the methods minors use to obtain alcohol.
[4] Advertising: Limits the use of minors or images associated with minors in alcohol advertisements.

Limiting Sales Near Schools and Universities.

The matrix on page 76 shows that 25 States prohibit alcohol vendors from locating their businesses within 100 to 1,500 feet from schools. In addition, 10 States prohibit vendors from locating near university campuses.

States	Limits on Sales Near Schools and Universities			
	School	Distance	University	Distance
Alabama			Yes	400 Ft
Alaska	Yes	200 Ft		
Arizona	Yes	300 Ft		
Arkansas	Yes	400–600 Ft		
California	Yes	600 Ft		
Colorado	Yes	500 Ft	Yes	500 Ft
Connecticut				
Delaware	Yes	400 Ft	Yes	400 Ft
D.C.				
Florida	Yes	600 Ft	Yes	600 Ft
Georgia	ABC's Discretion			Yes
Hawaii				
Idaho	Yes	300 Ft		
Illinois	Yes	100 Ft		
Indiana				
Iowa	Yes	200 Ft	Yes	200 Ft
Kansas				
Kentucky				
Louisiana	Yes*	300 Ft	Yes	
Maine				
Maryland	Yes*	500 Ft		
Massachusetts	Yes	500 Ft		
Michigan	Yes	1500 Ft	Yes	1500 Ft
Minnesota				
Mississippi	Yes	100 Ft		
Missouri				
Montana	Yes	150 Ft	Yes	300 Ft
Nebraska				
Nevada				
New Hampshire				
New Jersey	Yes	300 Ft		
New Mexico	Yes	200 Ft		
New York				
North Carolina				
North Dakota				
Ohio				
Oklahoma	Yes	300 Ft	Yes	300 Ft
Oregon	ABC's Discretion			
Pennsylvania	Yes	300 Ft		
Rhode Island	Yes	200–500 Ft		
South Carolina	Yes	300–500 Ft		
South Dakota				
Tennessee				
Texas	County's Discretion			
Utah	Yes	200–600 Ft		
Vermont				
Virginia				
Washington				
West Virginia	Yes	300 Ft	Yes*	
Wisconsin	Yes	300 Ft		
Wyoming				

*ABC may allow at its discretion

*May be waived by university

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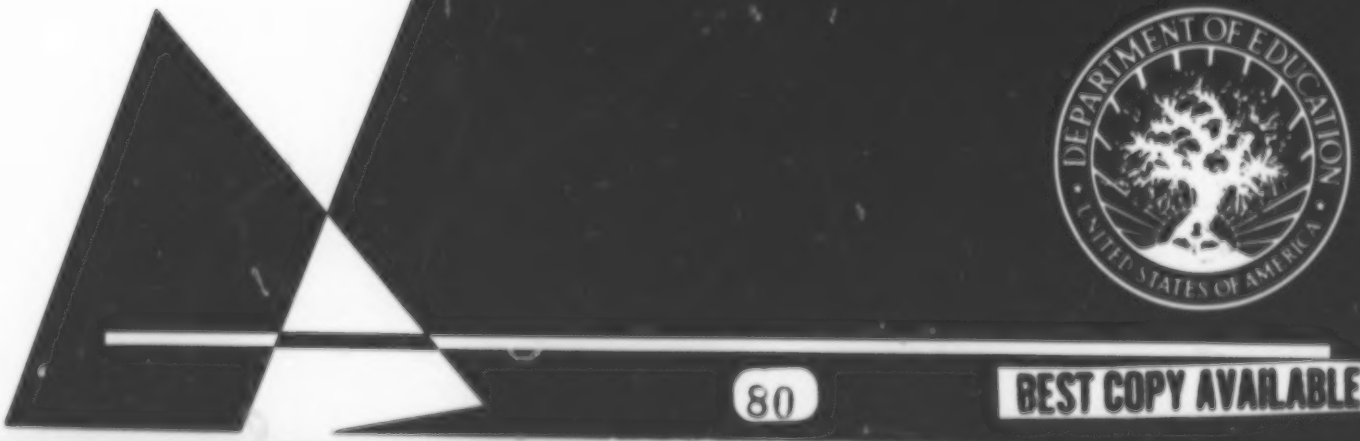

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